



Note PRMNY-11202

The Permanent Mission of Canada to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and has the honor to refer to the Note Verbale LA/COD/21 dated 17 January 2022 in which the Office of Legal Affairs of the United Nations refers to the General Assembly adopted resolution 75/138 of 15 December 2020 entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts.”

The Government of Canada has the honour to transmit Canada’s information relevant for inclusion in the report of the Secretary-General on the aforementioned topic.

The Permanent Mission of Canada to the United Nations avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration.

New York, 1 June 2022

Office of Legal Affairs of the United Nations
New York

Questionnaire relating to the status of the Protocols Additional to the 1949 Geneva Conventions and on measures to strengthen the existing body of international humanitarian law (IHL)¹

Submission from Canada on new developments and activities undertaken during the reporting period June 2020 – June 2022

Please set out briefly any new developments or activities undertaken in the following areas:

I. Ratifications or Accessions to the Geneva Conventions of 1949, their Additional Protocols and other relevant international humanitarian law (IHL) treaties:

Canada had already ratified or acceded to the Geneva Conventions of 1949, their Additional Protocols and several other international humanitarian law (IHL) treaties prior to the reporting period. The annexed table presents selected IHL treaties to which Canada is a party.

II. Adoption of national legislation to implement the above-mentioned instruments:

Canada had already implemented the above mentioned instruments prior to the reporting period. The annex also presents, for each of the selected IHL treaties to which Canada is a party and where relevant, their associated implementing legislation.

III. Adoption of other measures of implementation and for the dissemination of IHL:

Promotion and Dissemination of International Humanitarian Law

1. On 28 April 2022, Canada published a statement on international law applicable in cyberspace. This statement sets out Canada's current view on the law, acknowledging that IHL applies to cyber activities conducted in the context of both international and non-international armed conflicts.
2. Global Affairs Canada, in collaboration with the International Committee of the Red Cross (ICRC), offer an annual two-day course on the Protection of Civilians in Armed Conflict and other situations of violence for Foreign Service Officers. The course equips participants with a basic knowledge of international humanitarian law (IHL) relevant to the protection of civilians, as well as the intersection between IHL, international human rights law (IHRL) and international refugee law (IRL). It also examines the legal, policy and operational aspects of humanitarian principles and action. Participants benefit from diverse perspectives on IHL application and implementation in the field from the Canadian Armed Forces, the ICRC, the UN and non-government organizations.

¹ See paragraphs 11 to 13 of UNGA Resolution 75/138, "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

Armed Forces

3. All Canadian Armed Forces (CAF) members receive mandatory IHL training throughout their careers, starting with instruction provided during their basic training courses. They then receive IHL training as part of their pre-deployment training for military operations in which international humanitarian law may apply. The CAF deploys military lawyers to operational theatres as required.
4. In 2001, the Canadian Armed Forces published a key doctrine manual entitled “Law of Armed Conflict at the Operational and Tactical Levels” which sets out our interpretation of international humanitarian law. It covers the law related to the conduct of hostilities and the protection of victims of armed conflict. This manual was in use throughout the reporting period.
5. The CAF has published a number of other doctrine manuals that address the application of IHL to specific situations that arise in armed conflict. These include, among others, the *Code of Conduct for CF Personnel*,² the *Use of Force for CF Operations*,³ the Canadian Forces doctrine on *Targeting*,⁴ as well as *Prisoner of War Handling, Detainees, Interrogation and Tactical Questioning in International Operations*.⁵ These manuals were in use throughout the reporting period.
6. Under the *National Defence Act*, CAF members are bound by the criminal law of Canada wherever they serve worldwide. This includes liability for any war crimes committed.

Enforcement

1. Canada is a State Party to the Rome Statute of the International Criminal Court (ICC) and continues to support the Court’s efforts to hold to account those most responsible for serious international crimes. Canada considers the ICC as an essential mechanism in the fight against impunity.
2. Canada, along with several other State Parties to the ICC, referred the situation in Ukraine to the ICC in early March 2022. We decided to take this action as a result of numerous allegations of the commission of serious international crimes in Ukraine.

IV. Domestic case-law relating to the above-mentioned instruments:

Not applicable.

V. Activities carried out by national commissions or committees to support the implementation or dissemination of IHL:

² CANADA, *Code of Conduct for CF Personnel*, B-GG-005-027/AF-023, Office of the Judge Advocate General, February 2007.

³ CANADA, *Use of Force for CF Operations*, B-GJ-005-501/FP-001, Canadian Armed Forces, 29 August 2008.

⁴ CANADA, *Targeting*, B-GJ-005-309/FP-001, Canadian Armed Forces. 12 December 2014.

⁵ CANADA, *Prisoner of War Handling, Detainees, Interrogation and Tactical Questioning in International Operations*, B-GJ0005-110/FP-020, Canadian Armed Forces, 1 August 2004.

1. The Canadian National Committee on Humanitarian Law (CNCHL) is mandated to promote the dissemination of IHL, including to the general public. It has engaged in various activities including supporting workshops and presentations related to IHL.
2. In addition, Government of Canada and the Canadian Red Cross (CRC) work closely together to promote awareness of the principles and rules of IHL by engaging in several dissemination activities. These include delivering the [ICRC's Exploring Humanitarian Law](#) and the [CRC's Canada and Conflict](#) educator training across Canada to support high school teachers' understanding of the main principles of IHL.

VI. Other relevant initiatives to promote respect for the 1949 Geneva Conventions, their Additional Protocols and other relevant instruments:

1. As a strong advocate for IHL compliance, Canada has played a pivotal role in building international norms and standards to prevent or mitigate violence against civilians, promote a range of measures to improve their legal and physical protection, and reduce impunity for violations and abuses against them. This includes ensuring that a strong normative framework for the Protection of Civilians (PoC) is in place, including at the UN. Canada continues to participate in and promote regular cooperation, including exchanges of information, analysis and best practices on better IHL implementation at the multilateral level and international fora:
 - a. In 2016, Canada co-sponsored UNSCR 2286, which calls for the respect and protection of medical workers and broader IHL compliance by parties to armed conflict. Following this, Canada established and co-chairs a cross-regional informal group of states with Switzerland, through its Permanent Mission to the UN in Geneva. Through this informal group, Canada supports advocacy, networking and discussions among states, international organizations, academics, think tanks and non-governmental organizations with a view to sharing information and having an impact on the ground. A key benefit of the group, and its success, is the cross-sectoral and cross-regional approach it has taken in addressing the issue.
 - b. Canada has continued to engage on weaponry issues including the implementation of the Arms Trade Treaty through domestic legislation and at international fora regarding lethal autonomous weapon systems and the use of explosive weapons in populated areas.
 - c. In 2018, Canada championed IHL implementation during its G7 presidency. G7 Foreign Ministers [committed](#) to using their support to state and, when relevant, non-state parties to armed conflict to encourage these parties' effective implementation of IHL. Specifically, the G7 agreed to:
 - i. seek commitments from partners to enhance respect for IHL;
 - ii. continue to help increase the capacity of state and, when relevant, non-state partners to implement international humanitarian law by assisting them to incorporate IHL into their doctrine, education, field

- training, operational decision-making processes and rules of engagement; and
- iii. assist partners in ensuring that their disciplinary and/or judicial structures are capable of effectively addressing their own IHL violations should they occur and holding persons accountable for IHL violations in accordance with applicable requirements of international law.
 - d. In addition, Canada supports humanitarian organizations working to influence the behaviour of parties to armed conflict. For example, Canada financially supports the International Committee of the Red Cross (ICRC), which carries out activities aimed at improving IHL compliance among arms carriers.
3. At the [33rd International Conference of the Red Cross and Red Crescent](#) in December 2019 (IC 33), Canada actively advocated for strengthened IHL implementation, promotion, and sharing of best practices in partnered military operations and the protection of civilians in armed conflict. Canada engaged in the [“Bringing IHL home”](#) resolution negotiations, delivered a national statement on IHL and co-hosted a side event on sharing IHL best practices in partnered military operations. Canada also undertook several pledges, to enhance the broader environment of respect for IHL and accountability for IHL violations. The pledges covered the [Promotion of International Humanitarian Law](#) and [Promotion and strengthening of the work of National Committees on International Humanitarian Law, as well as for the exchange of information among them](#). Canada also signed a [pledge](#) to support and promote the work of the [International Humanitarian Fact-finding Commission](#) (IHFFC).
 4. Canada is preparing its inaugural “Voluntary Report on the Implementation of International Humanitarian Law (IHL) at the Domestic Level”. Once published, this voluntary report will serve as a useful reference for the concrete steps Canada has taken to implement its IHL obligations and related commitments.
 5. In September 2021, Canada participated in the UNGA high level meeting on International Humanitarian Law, Enhancing Monitoring, Improving Compliance led by France and Germany, which focused on enhancing the monitoring of violations of international humanitarian law (IHL) and closing existing gaps in data collection and analysis on IHL violations, with a view to strengthening accountability and ending impunity.
 6. Addressing conflict-related sexual and gender-based violence (CRSV) is a main objective of Canada’s National Action Plan on Women, Peace and Security (WPS) for 2017-2022. Activities undertaken during the reporting period include:
 - a. Supporting the deployment of CRSV experts through UN Women; and supporting investigations and accountability processes in several countries, including Myanmar, Syria, DRC, South Sudan, Burundi, Yemen and Mali.
 - b. Supporting UNDP’s work to fight impunity and support survivors of sexual violence in the DRC.
 - c. In November 2021, leading the drafting of a public statement of like-minded, including members of the International Atrocity Prevention Working Group, to

welcome the OHCHR/Ethiopian Human Rights Commission joint report on violations of international law in Tigray, which concluded CRSV had been committed by all parties to the conflict. The statement urged the governments of Ethiopia and Eritrea to investigate and prosecute perpetrators as well as to provide health care support to victims of CRSV, including psychological support and sexual and reproductive healthcare.

- d. Participated as a “champion” in the UK’s Preventing Sexual Violence Initiative (PSVI).
- e. Supported the deployment of sexual and gender-based violence and other experts to transitional justice and accountability mechanisms through a project with Justice Rapid Response (2017-2018, 2020-21).
- f. Supported the International Committee of the Red Cross’ (ICRC) “Strengthening Response to Sexual Violence” initiative. This program increases the ICRC’s capacity to prevent and reduce sexual violence in armed conflicts, particularly for women and girls who face increased vulnerability in situations of conflict and displacement.

Annex: Table of Selected IHL Treaties to Which Canada Is a Party and Associated Implementing Legislation

IHL Treaty	Ratified/Acceded	Implementing Legislation (if applicable)
Geneva Conventions I – IV 1949	14.05.1965	<i>Geneva Conventions Act</i> , R.S.C., 1985, c. G-3 <i>Regulations respecting the determination of the entitlement of persons detained by the Canadian Forces to prisoner-of-war status.</i>
Additional Protocol I	20.11.1990	<i>Geneva Conventions Act</i>
Additional Protocol II	20.11.1990	<i>Geneva Conventions Act</i>
Additional Protocol III	26.11.2007	<i>Geneva Conventions Act</i>
Hague Convention for the Protection of Cultural Property	11.12.1998	<i>Cultural Property Export and Import Act</i> , R.S.C., 1985, c. C-51 <i>Cultural Property Export Regulations</i>
First Protocol to the 1954 Hague Convention	29.11.2005	<i>Cultural Property Export and Import Act</i> <i>Cultural Property Export Regulations</i>
Second Protocol to the 1954 Hague Convention	29.11.2005	<i>Cultural Property Export and Import Act</i> <i>Cultural Property Export Regulations</i>
Biological Weapons Convention	18.09.1972	<i>Human Pathogens and Toxins Act</i> , S.C. 2009, c. 24
Convention on Certain Conventional Weapons (CCW)	24.06.1994	Domestic legislation was not necessary to implement the CWC obligations.
Protocol I to CCW on Non-Detectable Fragments	24.06.1994	Domestic legislation was not necessary to implement the Protocol obligations.
Protocol II to CCW on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices	05.01.1998	Domestic legislation was not necessary to implement the Protocol obligations.

Protocol III to CCW on Prohibitions or Restrictions on Use of Incendiary Weapons	24.06.1994	<i>Domestic legislation was not necessary to implement the Protocol obligations.</i>
Protocol IV to CCW on Blinding Laser Weapons	05.01.1998	<i>Canada Consumer Product Safety Act, S.C. 2010, c. 21</i>
Chemical Weapons Convention	26.09.1995	<i>Chemical Weapons Convention Implementation Act, S.C. 1995, c. 25</i>
Anti-Personnel Landmines Convention	03.12.1997	<i>Anti-Personnel Mines Convention Implementation Act, S.C. 1997, c. 33</i>
Rome Statute of the International Criminal Court	07.07.2000	<i>Crimes Against Humanity and War Crimes Act, S.C. 2000, c. 24</i>
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	07.07.2000	<i>National Defence Act, R.S.C., 1985, c. N-5</i>
Cluster Munitions Convention	16.03.2015	<i>Prohibiting Cluster Munitions Act, S.C. 2014, c. 27</i>
Arms Trade Treaty	19.06.2019	<i>Export and Import Permits Act, R.S.C., 1985, c. E-19 and Criminal Code of Canada, R.S.C., 1985, c. C-46</i>