



Note No: 151/22

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and has the honour to present the United Kingdom's response to note LA/COD/2/1 from the Office of Legal Affairs dated 17 January 2022 in respect of General Assembly resolution 75/138 of 15 December 2020 entitled "*Status of the Protocols Additional to the Geneva Convention of 1949 and relating to the protection of victims of armed conflicts*".

The response of the United Kingdom, which concerns new developments and activities undertaken during the reporting period, is attached to this Note.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland 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.

United Kingdom Mission to the United Nations

New York

1 June 2022

The United Kingdom of Great Britain and Northern Ireland

Follow-up to UNGA res 75/138 ("*Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts*")

Submission from the United Kingdom of Great Britain and Northern Ireland on new developments and activities undertaken during the reporting period 2020-2022

In line with Operative Paragraph 13 of UNGA Resolution 75/138, the United Kingdom has used a template questionnaire in the hope that it might be of interest and help to encourage others to adopt a similar format in future. The United Kingdom would welcome comments from other States and UN officials on this approach.

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

Not applicable.

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

Not applicable.

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

Promotion and Dissemination of International Humanitarian Law

1. The United Kingdom is encouraging other States to draft their own voluntary reports on domestic implementation of IHL, following publication of the United Kingdom's report in 2019.
2. In this regard and in collaboration with the British Red Cross, the United Kingdom continues to conduct a project to provide practical assistance and support to selected States to produce a report that details their activities to implement IHL at the domestic level. Among other advantages, States will be equipped with a practical mechanism to measure and record IHL implementation at a national level and the report may help to identify best practice. The United Kingdom has also produced a toolkit to provide guidance for countries to research and draft their own reports. It includes two optional templates, for short and more detailed implementation reports, as well as guidance on how to publish a report. The toolkit is accessible online at the United Kingdom government website¹, and is presently available in Arabic, Spanish, Portuguese and Russian, as well as English.
3. Work is presently underway to translate the toolkit into Simplified Chinese and Swahili, and further translations are being considered.

Armed Forces

4. All United Kingdom Armed Forces receive training on IHL throughout their careers, which covers the four fundamental principles of Necessity, Humanity, Distinction and Proportionality. IHL training is also provided as part of the mandatory pre-deployment training for all personnel deploying on military operations in which IHL may apply. Each service will deploy lawyers to operational theatres where there is a requirement to do so. Once deployed, those lawyers will advise on all legal issues and provide refresher training where necessary and practicable. In all cases, lawyers are involved

¹ <https://www.gov.uk/government/publications/international-humanitarian-law-implementation-report-toolkit>

in the development of directives, authorities, and rules of engagement and the associated guidance and they are available through a well-established system for any discrete points or training needs that may arise.

5. The United Kingdom Ministry of Defence's Joint Service Manual on the Law of Armed Conflict² which sets out the United Kingdom's interpretation of IHL remains available on the government website together with amendments. A Ministry of Defence programme to update the Manual is underway. It will draw upon Service, government and external academic legal experts to ensure that the new manual will be comprehensive and authoritative.
6. The fourth edition of Joint Doctrine Publication 1-10, Captured Persons³, was published in September 2020. This gives detailed directions and guidance to members of the United Kingdom Armed Forces who are involved in planning, training for or conducting activities concerning captured persons.
7. In December 2021, the United Kingdom published a Joint Service Publication (JSP 985)⁴ on Human Security in Defence, which provides direction for the incorporation of a Human Security approach into military operations. JSP 985 is an update of the previously numbered JSP 1325 (titled Human Security in Military Operations, published in January 2019) and provides advice and direction as to how United Kingdom Defence can integrate seven human security cross-cutting themes into operational work, including children in armed conflict. This includes military training, and the planning and execution of military operations. Human Security training is already provided on all military career courses and phase 1 officer training, and Human Security is included as part of the pre-deployment training for all personnel deploying on peacekeeping operations. A second volume of JSP 985 will be published in 2022 and will provide authoritative policy on the incorporation of Human Security in the management of wider Defence activities.
8. Under the Armed Forces Act 2006, service personnel are bound by the criminal law of England and Wales, which includes war crimes offences, wherever in the world they are serving. The standards of conduct required by United Kingdom Armed Forces are, and have always been, in accordance with relevant laws, and allegations of unlawful conduct by personnel who fail to uphold the high standards expected are taken extremely seriously.

Preventing Sexual Violence in Conflict (PSVI)

9. The United Kingdom remains the only government in the world with a Special Representative on Preventing Sexual Violence in Conflict (Lord Ahmad of Wimbledon), and a policy team and funding dedicated to tackling conflict-related sexual violence (**CRSV**).
10. In November 2021, the Foreign Secretary announced that the United Kingdom would explore all options for strengthening the international response to conflict-related sexual violence, including a new Convention. The United Kingdom will work with partners to strengthen the international response to preventing these atrocities, supporting survivors and holding perpetrators to account. The Foreign Secretary also announced that in 2022 the United Kingdom would host a conference bringing together partners from around the world to secure new commitments to preventing sexual violence in conflict.

² <https://www.gov.uk/government/publications/jsp-383-the-joint-service-manual-of-the-law-of-armed-conflict-2004-edition>

³ [Captured Persons \(JDP 1-10\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/captured-persons-jdp-1-10)

⁴ [Human security in Defence \(JSP 985\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/human-security-in-defence-jsp-985)

11. On 22 November 2021, Lord Ahmad launched the '*Call to action to ensure the rights and wellbeing of children born of sexual violence in conflict*'. This is a first step in galvanising international action to support the tens of thousands of children who, due to the circumstances of their conception, are marginalised and stigmatised by their families and communities.
12. The United Kingdom sits on the Board of the Global Survivors Fund, founded by Nobel Laureates Dr Mukwege and Nadia Murad. The Fund provides redress across the world for survivors of sexual violence in conflict, for example through provision of compensation, livelihood packages, education and healthcare. Since its inception in 2019, the United Kingdom has provided £2.7 million to support their critical work.
13. In November 2020, Lord Ahmad launched the '*Declaration of Humanity*'⁵ alongside faith and belief leaders during the Annual Freedom of Religion or Belief Ministerial Conference in Poland. The Declaration, the first of its kind, calls for the prevention of sexual violence in conflict and denounces the stigma too often faced by survivors. It unites multiple faiths and beliefs in a common front to challenge damaging societal norms and calls for support for survivors of sexual violence internationally. The Declaration has been endorsed by over 50 faith and belief leaders, community leaders, and faith-based organisations in a range of countries, including Sri Lanka, Sierra Leone, the Vatican, Kosovo, and Iraq.
14. On 1 June 2021, NATO Defence Ministers endorsed NATO's first policy on CRSV, which outlines specific actions that NATO will take to both prevent and respond to CRSV in all NATO operations, missions, and Council-mandated activities. The United Kingdom was a driving force in crafting this policy and securing agreement from Allies.

Enforcement

15. The United Kingdom believes that the International Criminal Court has an important role to play in ending impunity for the most serious crimes of international concern. The United Kingdom continues to support the International Criminal Court's aims to encourage States to become party to the Rome Statute and to put in place legislation to give the Rome Statute effect. The United Kingdom contributes to the International Criminal Court, and international and hybrid tribunals. The United Kingdom's support helps to strengthen the rules-based international system, deliver justice for victims of the most serious crimes of international concern, and tackle impunity for serious violations of IHL.
16. Following the appeal by the ICC prosecutor for support, consequent to the Russian invasion of Ukraine, the United Kingdom has donated £1m to the Trust Fund for Advanced Technology and Specialized Capacity of the ICC.
17. The United Kingdom also has a specialist war crimes team which sits within the Metropolitan Police Counter Terrorism Command (SO15) and which is responsible for the investigation of all allegations of war crimes, crimes against humanity, genocide and torture. All allegations of war crimes referred to SO15 are considered, assessed and dealt with in line with the *War Crimes/Crimes Against Humanity Referral Guidelines*, which are jointly agreed with the Crown Prosecution Service (CPS).⁶ The team are also, alongside the CPS, the convenors of the United Kingdom War Crimes Network, which comprises a number of key bodies, including government departments as well as civil society, working together to ensure the

⁵ <https://www.gov.uk/government/publications/declaration-of-humanity-by-leaders-of-faith-and-leaders-of-belief>

⁶ <https://www.cps.gov.uk/publication/war-crimescrimes-against-humanity-referral-guidelines>

United Kingdom is not a safe haven for war criminals. The team is also involved in gathering evidence in relation to the commission of war crimes in Ukraine, which may be used in support of the ICC's investigation into the situation 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

18. The United Kingdom National Committee on International Humanitarian Law (the **Committee**)⁷ meets biannually to develop further, and disseminate understanding of, IHL policy and practice nationally and to discuss ways to encourage international partners to do likewise, particularly with the Commonwealth. The Committee also encourages the dissemination and training of IHL to the armed forces, police, civil servants (practitioner level training courses by the Foreign, Commonwealth and Development Office (**FCDO**)), teachers, the judiciary, the medical profession, journalists and others as necessary. The United Kingdom has also promoted the formation of national IHL committees and has offered practical assistance to those wishing to do so.
19. The Committee is also leading on a proposal to produce a public-facing handbook to capture in one place the key legal framework related to famine prevention in armed conflict. Working with the British Red Cross and selected academics, the handbook will gather these relevant rules in one place with explanations in an accessible format, illustrated by practical examples derived from experience. The resulting booklet will aim to increase knowledge amongst practitioners, facilitate debate, share best practice and help identify pathways for better implementation of the law.
20. The Committee has otherwise continued to deliver its remit, including promoting training (through remote meetings) throughout the period of the Covid-19 pandemic. FCDO officials also continue to maintain the dedicated webpage on IHL published on the government website, GOV.UK⁸.
21. The FCDO International Academy Law Faculty works in partnership with the British Red Cross to offer Practitioner-level courses and workshops for diplomats and officials of the FCDO and other government departments entitled '*The Laws of War – an introduction to international humanitarian law*'. The courses provide a general overview of IHL looking at the basic rules and principles, implementation and enforcement.
22. The United Kingdom also has a growing body of humanitarian research focussed on promoting IHL and increasing its understanding, through focussing on six under-researched themes of IHL. This includes for example, researching the humanitarian impacts of attacks on healthcare in conflict contexts, better understanding of Non-State Armed Groups' attitudes to IHL and investigation of what promotes restraint by combatants. The most recent research project in 2022 is seeking to explore issues such as what types of humanitarian need are produced by armed conflicts, which specific IHL rules are most relevant to reducing humanitarian need and how such compliance, or restraint, might be promoted by outside actors.

⁷ [UK National Committee on International Humanitarian Law: terms of reference - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/organisations/uk-national-committee-on-international-humanitarian-law)

⁸ [International humanitarian law and the UK government - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/organisations/uk-national-committee-on-international-humanitarian-law)

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

23. Since endorsing the Safe Schools Declaration in April 2018, the United Kingdom has encouraged other states to sign up to the Declaration, promote its effective implementation, and raise awareness of the Declaration with a view to improving the protection of education in situations of armed conflict and handle the consequences of armed conflict on students, education personnel and school infrastructure. The Safe Schools Declaration also features in the United Kingdom's updated Human Security policy, JSP 985 (referred to above) and the United Kingdom provided a panellist for the Fourth International Conference on the Safe Schools Declaration on 25-27 October 2021 to discuss the United Kingdom's work in implementing the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.
24. In June 2021, the United Kingdom published a statement entitled '*Application of international law to states' conduct in cyberspace: UK statement*'⁹ which was submitted as part of the Group of Governmental Experts Process (**GGE**) in accordance with the mandate of the GGE on Advancing responsible State behaviour in cyberspace in the context of international security, established pursuant to General Assembly resolution 73/266A. The United Kingdom statement includes a section on (among others) the application of IHL to operations in cyberspace.
25. In October 2021, the United Kingdom was proud to co-sponsor UN Security Council Resolution 2601 (2021) on the Protection of Education in Armed Conflict. It is the first Resolution of its kind, linking the protection of education to international peace and security.
26. The United Kingdom continued to engage on weaponry matters. This includes participation in the various fora set up under the auspices of the Convention on Certain Conventional Weapons, including the Lethal Autonomous Weapon Systems Group of Government Experts. The United Kingdom is also actively involved in discussions around the development of a political declaration concerning the use of Explosive Weapons in Populated Areas.

⁹ [Application of international law to states' conduct in cyberspace: UK statement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statements/2021/06/21-application-of-international-law-to-states-conduct-in-cyberspace-uk-statement)