

33. konference – čestné závazky EU

Společné závazky členských států EU

1. Strengthening compliance with international humanitarian law (IHL) through its promotion, dissemination and implementation

A. Text of the pledge

Insufficient respect for and observance of the rules of international humanitarian law (IHL) remains an abiding problem, despite recent efforts to improve the prevention, cessation and repression of IHL violations.

Anti-personnel landmines, cluster munitions, improvised explosive devices and explosive remnants of war continue to pose a serious threat to people's life and health.

Proper training in, dissemination and implementation of IHL especially in peacetime, is required to ensure better compliance with IHL in time of armed conflict.

The EU and its Member States **pledge**, to:

- use the available mechanisms at national, regional and international level for strengthening respect for IHL and continue to explore opportunities, both legal and operational, to improve IHL compliance;
- strengthen the visibility and coherence of EU action for the promotion of IHL and, in this respect, continue to support the work of the European Union Special Representative for Human Rights, whose reinforced mandate includes contributing to the implementation of the Union's positions in the area of promoting compliance with IHL.
- improve implementation of IHL, strengthen cooperation with their respective National Red Cross Societies, which, under the Statutes of the International Red Cross and Red Crescent Movement, have a recognized role in assisting their governments in disseminating IHL, and cooperating with them to ensure respect for IHL;
- further support the implementation of relevant non-proliferation, disarmament and arms control treaties in order to ensure respect for IHL;
- advocate, as appropriate, in support of international instruments seeking to address humanitarian hazards of explosive remnants of war, cluster munitions, improvised explosive devices and anti-personnel landmines.

The EU, and its Member States and the EU National Red Cross Societies **pledge** to, according to their respective mandates, and in commemoration of the 70th anniversary of the adoption of the 1949 Geneva Conventions:

- adopt the necessary legislative, administrative and practical measures to ensure and further strengthen domestic implementation of IHL;
- strengthen their efforts to promote and disseminate IHL inside and outside the EU, in particular to the armed forces, as well as armed non-state actors, humanitarian and

medical personnel, including local humanitarian actors and other groups or individuals who may encounter the application of IHL in their work;

- promote and strengthen the role and work of National IHL Committees and cooperation amongst themselves.

B. Action Plan

The EU will:

- issue annual reports on the implementation of the EU Guidelines on promoting compliance with IHL;
- continue to use the tools set out in the EU Guidelines on promoting compliance with IHL, monitor the progress of their implementation, and take, as necessary, measures to enhance their impact;

The EU and its Member States will:

- continue to advocate for compliance with IHL in relevant multilateral and bilateral fora;
- raise awareness of the potential of the International Humanitarian Fact-Finding Commission (IHFFC) and of its working methods, as appropriate, by contributing to enhance the visibility of the IHFFC and by encouraging the resort to this Commission;
- prioritize robust and transparent reporting, where applicable, in accordance with the provisions of treaties in the field of non-proliferation, disarmament and arms control;
- fully apply – at domestic level – the IHL related provisions of the Arms Trade Treaty consistently with the principles regarding respect for IHL in arms transfers as enshrined in EU Common Position 2008/944/CFSP on arms export;
- ensure that personnel of EU missions, civilian and military, are adequately trained in IHL.

According to their respective mandates, the EU and its Member States and the EU National Red Cross Societies will:

- compile national practice on the implementation of IHL and share such practice, for example, when possible, in the form of national implementation summaries and

utilize these compilations to explore ways in which to develop the effective implementation of IHL;

- share best practices amongst EUMS and with third States in the area of IHL promotion, dissemination and implementation;
- promote and share positive examples of respect for IHL, and highlight its relevance to the general public;
- offer assistance to third countries wishing to ratify and implement IHL treaties and/or to increase awareness-raising and dissemination efforts and encourage them to adopt relevant national legislation pertinent to their IHL obligations;
- support adequate training and other measures towards ensuring IHL compliance, both in peacetime and during armed conflict, in the processes of relevant actors, including amongst third States and armed non-state actors that are parties to an armed conflict;
- co-operate in promoting and disseminating IHL within the armed forces, for example by assessing ways in which the ICRC's "Roots of Restraint in War" study and the forthcoming revised "Guidelines for the Protection of the Natural Environment in

2. International Criminal Court and the fight against impunity

A. Text of the pledge

Ensuring accountability for the most serious crimes of concern to the international community is essential to support a rules-based international order.

The EU and its Member States **pledge** to:

- support the full implementation of the Rome Statute system, which provides that primary responsibility for bringing offenders to justice lies with States themselves;
- support the work and efficient functioning of the International Criminal Court as an important actor in the global fight against impunity, including by upholding its judicial independence;
- promote the universality and preserve the integrity of the Rome Statute.

B. Action Plan

The EU and its Member States will:

- include the fight against impunity for the most serious crimes of international concern as one of the shared values of the EU and its partners through the insertion of provisions concerning the ICC and international justice into its relevant agreements with candidate countries and third parties;
- support third States interested in receiving assistance in order to become party to the Rome Statute or to implement it;
- together with the ICC, other interested States, international organizations and non-governmental organizations promote and raise awareness of the ICC.

3. Ratification of international humanitarian (IHL) instruments

A. Text of the pledge

Achieving universality of IHL legal instruments contributes to responsible State behaviour and to reducing suffering during armed conflict.

The EU Member States **pledge** to:

- work towards further participation in the principal IHL instruments and other relevant international legal instruments by considering ratification of those instruments to which they are not yet party;
- explore ways of better using existing mechanisms and procedures at the domestic level, such as national IHL committees, to promote ratification and implementation of IHL instruments.

B. Action Plan

The EU Member States will:

- consider the ratification of IHL and other relevant instruments to which they are not yet all-party, such as:
 - The 2006 Convention for the Protection of all Persons from Enforced Disappearance;
 - The Additional Protocol III to the Geneva Conventions;
 - The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict;
 - The First Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict;
 - The Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict;

- Protocol on Explosive Remnants of War (Protocol V) to the 1980 Convention on Prohibitions or Restrictions on the Use of the Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects;
- The Convention on the Prohibition of Military Use of Environmental Modification Techniques;
- The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction;

4. Protecting humanitarian and medical personnel

A. Text of the pledge

Attacks against humanitarian workers and volunteers as well as medical personnel or patients in situations of armed conflicts are to be resolutely condemned, as they constitute violations of international law and reduce humanitarian access to populations in vulnerable situations.

Recalling UN Security Council Resolution 2286, the EU, its Member States and the joining EU National Red Cross Societies **pledge**, according to their respective mandates, to seek ways of enhancing their support in the implementation of, and respect for the legal framework regulating humanitarian work, especially to enhance the protection of humanitarian and medical personnel, both staff and volunteers.

B. Action Plan

According to their respective mandates, the EU and its Member States and the joining EU National Red Cross Societies will:

- support training on relevant norms and rules of IHL on the protection of civilians, the provision of healthcare and humanitarian access, as well as on the rights and responsibilities of humanitarian and healthcare personnel, including on common ethical principles of healthcare in conflict;
- review national legislation, policies and procedures relevant to the provision of humanitarian assistance and medical care in armed conflict with a view to ensuring strict compliance with international law and medical ethics, and a degree of protection that matches the highest standards observed in international practice, as well as to encourage the undertaking of such reviews by third States;
- support awareness-raising and trust-building activities to ensure respect for principled humanitarian action;
- support relevant States and non-state actors in implementing or reinforcing context-specific measures to enhance the physical safety of humanitarian workers and volunteers as well as medical personnel.
- support initiatives, that contribute to developing a more systematic and comprehensive collection and analysis of data on attacks against medical workers and infrastructure. This could include building on existing initiatives and facilitating cooperation between different actors, with the aim of developing lessons learned and formulating concrete context-specific and actionable recommendations to better address and prevent such attacks, thus enhancing the security of medical workers and humanitarian personnel engaged in medical duties in armed conflict.

5. Humanitarian impact of climate change

A. Text of the pledge

Climate change is among the biggest humanitarian challenges of the 21st century. Climate change acts as a threat multiplier and increasingly as a threat to peace and security in its own right, with serious implications across the globe. In the absence of urgent and scaled-up climate action, it will have devastating effects on the most vulnerable people and communities around the world and will lead to an increase of humanitarian needs. There is an urgent need to better manage the rising risks of climate change through better adaptation and resilience building, early warning, early action, anticipatory action and disaster risk reduction.

The EU and its Member States **pledge** to:

- strongly support the effective implementation of the existing legal framework dealing with disasters, especially legislation for disaster risk reduction;
- improve anticipation of disasters in addition to reacting to them, including better understanding of how climate change may affect disaster risks, and promote forward-looking humanitarian assistance;
- enhance preparedness and response capacities of humanitarian actors;
- further engage in UNFCCC processes and in the implementation of the Paris Agreement, the implementation of the Agenda for Humanity and the Sendai Framework for Disaster Risk Reduction and seek for enhanced synergies;

B. Action Plan

The EU and its Member States will:

- support early warning approaches, including early warning systems projects, in order to reduce the humanitarian impact of climate related disasters based on available forecast and risk information;
- Continue to improve the understanding of how climate change affects disaster risks, how climate change models can be integrated in risk assessments, and synergies in implementing disaster risk reduction and climate change adaptation enhanced;
- continue to work on effective national and sub-national approaches to disaster risk reduction and disaster preparedness and response, as well as to engage in climate adaptation planning and implementation, namely through the support to National Adaptation Strategies and Plans and the mainstreaming of adaptation issues in development and sectoral plans;
- share best practice on the use of Forecast-based Financing and anticipatory humanitarian action;
- contribute to exploring, developing, improving and coordinating innovative and anticipatory risk financing mechanisms within the humanitarian system at the global, regional and national levels, such as Forecast-based Financing;
- commit to the operational strengthening and implementation of the Forecast-based Action by the Disaster Relief Emergency Fund (DREF) of the IFRC;
- support the development of nature-based solutions as a means to increase the resilience of populations and to protect biodiversity and crucial ecosystem services, and improve the consideration of the environmental impact of humanitarian response in order to ensure the sustainability of the actions undertaken.

- Seek to maximize synergies between the implementation of the Paris Agreement, the Sendai Framework for Disaster Risk Reduction, and the SDGs.

6. Enhancing protection of specific groups in vulnerable situations in armed conflicts, disasters and other crises

A. Text of the pledge

In times of armed conflict, disasters and other crises, enhanced measures are required for the protection of specific groups in vulnerable situations (such as women and girls, children, LGBTI-persons, persons with disabilities, elderly persons, refugees, persons belonging to religious minorities).

Recalling UN Security Council Resolution 2467 (2019) on sexual violence in conflict and UN Security Council Resolution 2475 (2019) on the situation of person with disabilities in armed conflict and humanitarian crises, the EU and its Member States **pledge** to:

- enhance the effective implementation of the existing legal framework on the protection of specific groups in vulnerable situations, including exploring legal and practical means at national level;
- advocate for the compliance with international guidelines, such as the Inter-Agency Standing Committee Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action, the Inter-Agency Standing Committee Handbook on Gender in Humanitarian Aid, the Inter-Agency Standing Committee GBV Guidelines, the IASC Gender with Age Marker and the IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings
- take measures to address gender inequalities and promote the empowerment and meaningful participation of women and girls as well as their organisations, by including them and demanding their inclusion in decision-making processes in humanitarian and stabilization projects;
- take measures to promote the meaningful participation of persons with disabilities in the decision-making processes and implementation of humanitarian projects;
- strengthen the collection and dissemination of disaggregated data on sex, age and disability in humanitarian projects;
- strengthen institutional women, peace and security (WPS) capacities at the international and regional level, in particular by contributing funds to relevant UN initiatives; systematically screen all humanitarian funding proposals with regard to their gender-, age-, and disability - sensitive design and implementation;
- enhance the efforts in addressing and eliminating sexual violence in situations of armed conflicts and take measures to improve the protection of women and girls, as well as men and boys, in fragile environments and/or conflict-affected contexts to help prevent and respond to all forms of sexual and gender-based violence ensuring victim-centered approach, including by addressing the needs of survivors and victims and their children born of sexual violence in conflict, facilitating their reintegration into family and society, strengthening justice including restorative justice, holding perpetrators to account, and providing medical, psychological and social relief;

B. Action Plan

The EU and its Member States will:

- work to systemize and unitize data collection and sharing of data on sex, age and disability in order to acquire reliable data on the inclusion of all people affected by crises;

- continue to use their role in supervisory and advisory boards of humanitarian organizations to advocate for gender- and age-sensitive humanitarian programming, which is free from discrimination including on grounds of sex, race, ethnic or social origin, religion or belief, political or any other opinion, disability, age, sexual orientation and gender identity and which meets the differentiated needs of women, girls, boys and men of all ages, including prevention and protection from all forms of discrimination and violence, including sexual and gender-based violence;
- advocate respect for the rights of **every individual** women and girls, including their sexual and reproductive health and rights, in the context of the Programme of Action of the ICPD, the Beijing Platform for Action and the outcomes of their review conferences, and for the access to health-care services;
- Continue to advocate, as appropriate, in the prevention and response to victims of gender based violence in line with the international commitments and specifically with the *Call to Action on Protection from gender-based violence in emergencies* for the utilization by member states of the Gender Based Violence Management Information System (GBVMIS) tool, in order to harmonize, collect and enable the safe and ethical sharing of reported GBV incident data.

7. Safeguarding and protecting cultural property (Open pledge)

A. Text of the pledge

Attacks against cultural property as such constitute violations of international humanitarian law (IHL) and affect the identity, the memory and the dignity of entire populations.

Increased targeting of cultural property in situations of contemporary armed conflicts, either international or non-international, is a worrisome trend that speaks of the need for more efficient measures and joint action in this area.

Considering the continued relevance of the existing IHL treaties concerning the Protection of Cultural Property in the Event of Armed Conflict and other relevant international treaties, national implementation plays a central role in fulfilling the obligation to respect IHL as recalled in the proposed ICRC Resolution “Bringing IHL home: A road map for better national implementation of international humanitarian law”.

The Signatory States **pledge** to:

- make every effort to promote the ratification of relevant treaties concerning the protection of cultural property;
- take the operational, regulatory and legislative implementation measures as appropriate to actively support efforts to protect cultural heritage and fight illicit trafficking of cultural property that may be at risk due to armed conflict;
- promote the role of National IHL Committees in the implementation of the international legal framework on the protection of cultural property and in the mutual support between States in this area.

B. Action Plan

The Signatory States will, according to their respective roles:

- ratify and encourage the ratification of IHL treaties in relation with the Protection of Cultural Property in the Event of Armed Conflict, especially The Hague Convention of 1954 and the First Protocol of 1954 and Second Protocol of 1999, and the Additional Protocols of 1977 to the Geneva Conventions of 1949;

- ensure and encourage the implementation of IHL treaties concerning the Protection of Cultural Property in the Event of Armed Conflict, through the adoption of national legislative, regulatory and practical measures, as appropriate including:
 - o initiating, already in peacetime, safeguarding measures such as risk preparedness, distinctive marking and preparing inventories of the cultural property and
 - o promoting the IHL treaties by undertaking both awareness raising and dissemination to the armed forces and other relevant audiences and capacity building activities;
 - support additional ratifications of international Conventions that contribute to the recovery and return of stolen and illicitly exported cultural property, as appropriate including to countries affected by armed conflicts, such as, inter alia, the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, and the 2017 Council of Europe Convention on Offences relating to Cultural Property;
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- fight against illicit trafficking in cultural goods in cooperation with UNESCO and other international agencies and implement further checks and controls on the import and export of cultural goods as appropriate;
 - support the efforts to recover and return illicitly exported cultural goods to conflict-affected countries of origin, in line with the provisions of the Hague Convention and its Protocols and other international Conventions;
 - encourage the use of advanced digital tools and technologies to record, document and preserve cultural heritage as well as enhance the interoperability and usability of cultural heritage information;
 - support efforts to ensure accountability for the war crime of intentionally directing attacks against buildings dedicated to religion, education, art, science, charitable purposes or historic monuments, or any other cultural property as defined in The Hague Convention of 1954;
 - organize awareness raising events at the national level and in international and regional organizations;
 - endeavor to establish a sub-group within the National Committee on IHL, or another similar body, to deal with the protection of cultural goods in the event of armed conflict, including the identification of national legislative, regulatory and practical measures;
 - encourage best practices with regard to the protection of cultural property, including through exchanges between National IHL Committees.

Situations of Armed Conflict" can be used to enhance dissemination within the armed forces;

- continue efforts in promoting and disseminating IHL to civilian personnel involved in crisis management in situations of armed conflict, through training sessions addressing their specific needs;
- support the development, use and sharing of innovative forms of dissemination, utilizing digital technology and new media formats, which also allow to better reach civilian populations directly affected by armed conflict.
- strive for a gradual development and regular use of an electronic database related to the national legislation on the implementation of IHL, which would also be a useful dissemination tool;
- support the establishment of National IHL Committees where they do not yet exist and make better use, as applicable, of the potential of the National IHL Committees in the field of IHL promotion and dissemination, including international and regional cooperation of national committees on IHL;
- offer advice and assistance to States in establishing and functioning of National IHL Committees;
- promote the official translations of IHL treaties into national languages;
- exchange best practice on the establishment, functioning and working methods of National IHL Committees.

8. Digital transformation, its use and impact in the context of IHL-related activities

A. Text of the pledge

Technical progress presents both risks and opportunities that need to be responsibly managed by States to the benefit of the most vulnerable, humanitarian personnel and volunteers. One example of the opportunities offered by new technologies relates to the development and use of better tools to identify the fate and whereabouts of missing persons. Respect for human dignity and privacy should at all times govern the collection of data.

The EU and its Member States **pledge** to:

- continue their efforts to address the profound humanitarian consequences of the enforced disappearance of persons during armed conflict by supporting effective investigation and resolution of cases of missing persons in different regions of the world;
- implement the highest standards of protection of personal data of persons, especially of persons in vulnerable situations and of humanitarian workers and volunteers, in line with the EU General Data Protection Regulation (GDPR), and, as appropriate, encourage the development of such standards in third States;

B. Action Plan

The EU and its Member States will:

- support the use and development of new technologies and tools aimed at improving the protection of personal data of persons and the investigation of whereabouts of missing persons in various regions around the world;
- support further efforts of the International Red Cross and Red Crescent Movement, including the International Committee of the Red Cross, in this area.