Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 11928
27 May 2009

Activities of the International Committee of the Red Cross (ICRC)

Reply to Recommendation[1]: Recommendation 1842 (2008)
Committee of Ministers

1. The Committee of Ministers has taken note with interest of the Parliamentary Assembly Recommendation 1842 (2008), together with Resolution 1623 (2008) on the "Activities of the International Committee of the Red Cross (ICRC)". It has transmitted both texts to governments as well as to relevant intergovernmental committees. The comments received from committees have been reflected in this reply.

2. The Committee of Ministers is highly appreciative of the work carried out the ICRC, and the International Red Cross and Red Crescent Movement as a whole. The ICRC's mandate under the Geneva Conventions of 1949 and the Additional protocols of 1977 and 2005 makes it an important and uncontested international actor in the field of humanitarian law, and in promoting the fundamental principles of the Council of Europe – respect for human rights and dignity of the individual. The Committee of Ministers considers it appropriate to support the work of the ICRC and encourage co-operation between the two bodies on matters of common concern.

3. In response to paragraph 2.1, the Committee of Ministers would like to recall the synergy which already exists between the activities of the ICRC and those of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Furthermore, the Committee of Ministers encourages the relevant bodies of the Council of Europe, where feasible, to support the ICRC in its work on monitoring of detention conditions.

4. Referring to paragraph 2.2, the Committee of Ministers also urges member states to co-operate fully with the ICRC where necessary in promoting humanitarian assistance for persons affected by armed conflict and other situations of violence. It recognises that the Red Cross's work is also highly relevant to the Organisation's activities in the field of migration and points out that to enhance co-operation, the International Federation of Red Cross and Red Crescent Societies was granted observer status with the European Committee for Migration (CDMG) in 2008. The CDMG has also proposed to involve it, as appropriate, in its forthcoming activities.

5. The question of missing persons, raised by the Assembly in paragraph 2.3, is undeniably an issue which needs continued attention on both the national and the international level and the Committee of Ministers supports the ICRC's primary role in this respect. It would draw particular attention to the ICRC's "Principles for Legislating the Situation of Persons Missing as a Result of Armed Conflict or Internal Violence", a tool to assist states and their national authoritative bodies with the adoption of legislation that will address, prevent and resolve cases of missing persons and which has been brought to the attention of the Committee of Legal Advisers on Public International Law (CAHDI) by the ICRC.

6. The Committee of Ministers, cognisant of the importance of advancing on various issues related to missing persons, encourages the ICRC, together with other international and regional organisations, to further develop co-operation within their respective mandates whilst ensuring synergies and avoiding duplication. In

1. adopted at the 1057th meeting of the Ministers' Deputies (20 May 2009)

this respect, the Committee of Ministers informs the Assembly that, under the responsibility of the European Committee on Legal Co-operation (CDCJ) a draft recommendation on missing persons and presumption of death is currently being prepared. It welcomes the fact that this contribution of the Council of Europe, together with recent measures taken in this field by the ICRC and the International Commission on Missing Persons, has been reflected in recent work of the United Nations in this field.[2]

7. With regard to paragraph 2.4, the Committee of Ministers informs the Assembly that the member states and observers to the CAHDI regularly report on national events aimed at the promotion and dissemination of international humanitarian law and hold exchanges of views on the promotion of the relevant international instruments, such as the Third Additional Protocol to the Geneva Conventions and the Second Protocol to the Hague Convention of 1954 on the Protection of Cultural Property in the Event of Armed Conflict. The ICRC contributes actively as an observer to the work of the CAHDI, attending its meetings regularly to inform the committee about the ICRC's on-going projects and initiatives. An exchange of views was also held with the President of the ICRC in 2004.

8. The Committee of Ministers has also taken note with satisfaction of events in recent months which have taken place in co-operation with the International Red Cross and Red Crescent Movement, such as a Conference-debate organised by the ICRC on the theme of juveniles in custody in co-operation with the Council of Europe on 24 November 2008 and the joint Council of Europe/French Red Cross seminar on migration which took place in Strasbourg on 19 and 20 February 2009. It would encourage further focused co-operation of such kind.

9. Finally, the Committee of Ministers has taken note of the Assembly’s suggestion for the CDED to support the efforts of the ICRC to include knowledge about international humanitarian law in school curricula. It would point out that humanitarian law is considered as one of the dimensions of the CDED programme on Education for Democratic Citizenship and Human Rights (EDC/HRE). In this context, ICRC representatives are invited to all the major conferences on the EDC/HRE programme and inter-institutional meetings, facilitating access to the Council of Europe networks. Co-operation with ICRC is also envisaged for EDC/HRE activities 2010-2014.

2. Report of the Secretary General on missing persons of 3 February 2009 (A/HRC/10/28).