

**33<sup>RD</sup> INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT  
(DECEMBER 2019)  
PLEDGES OF THE KINGDOM OF SPAIN  
AS REGARDS INTERNATIONAL HUMANITARIAN LAW**

**TRAINING IN, DISSEMINATION AND STRENGTHENING OF INTERNATIONAL  
HUMANITARIAN LAW**

**Joint Pledge of the Government of the Kingdom of Spain and the Spanish Red  
Cross**

The Geneva Conventions attach a crucial role to providing training in and disseminating international humanitarian law (IHL) as an essential instrument to ensure knowledge of and respect for IHL by all public actors and agents who exercise their powers in contexts relating to armed conflicts. In addition to this obligation deriving from the Conventions, both the Government of the Kingdom of Spain and the Spanish Red Cross are aware of the need to disseminate IHL within society, raising awareness of the severe problems generated by and arising from armed conflicts, and of the need to ensure that democratic societies are capable of responding to the needs of the persons affected by armed conflicts, as well as to promote and respect the humanitarian principles underpinning IHL and the International Red Cross and Red Crescent Movement.

On this basis, in Spain IHL has been incorporated into different training and dissemination programmes aimed particularly at the armed forces and at law enforcement bodies. The Government of the Kingdom of Spain and the Spanish Red Cross continue to consider increasing and strengthening said training and dissemination activities to be one of their fundamental goals, at the same time extending them to other sectors and incorporating the international dimension into the achievement of said goal.

**Pledge**

The Government of the Kingdom of Spain and the Spanish Red Cross pledge to:

1. Continue guaranteeing the inclusion of IHL at military training centres.
2. Continue ensuring that the contingents deployed in operations abroad receive appropriate training in IHL.
3. Incorporate training in IHL into the different training programmes of the following groups:
  - higher corps of the public administration, in particular the judiciary, the public prosecution services, and the diplomatic corps;
  - law enforcement bodies; and
  - bar associations.
4. Promote training in IHL at schools and give public support to actions aimed at disseminating and raising awareness of IHL-related issues in civil society.
5. Share Spain's experience and collaborate with other States and National Red Cross and Red Crescent Societies wishing to carry out training and dissemination programmes, as well as national studies on implementing IHL,

including in the framework of meetings and collaboration between National IHL Committees.

6. Regularly draft a study on the implementation of IHL in Spain, the first edition of which has been published in 2019. And on that basis, draft a National Humanitarian Diplomacy Strategy that will enable incorporation of the humanitarian perspective and the principles and obligations deriving from IHL into Spain's foreign action at every level, in addition to strengthening coherence between the international commitments undertaken by Spain in this regard and the national measures adopted to comply therewith.

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**INTERNATIONAL HUMANITARIAN LAW AND INTERNATIONAL CRIMINAL  
JUSTICE**

**Joint Pledge of the Government of the Kingdom of Spain and the Spanish Red  
Cross**

The adoption of the Rome Statute and the creation of the International Criminal Court (ICC) have significantly contributed to consolidating an international criminal justice system that facilitates accountability with regard to the commission of war crimes. Therefore, promoting the universality and integrity of the Rome Statute, as well as supporting the functioning of the International Criminal Court, constitute useful and effective instruments to ensure and strengthen international respect for international humanitarian law (IHL).

The Government of the Kingdom of Spain and the Spanish Red Cross are firmly committed to international criminal justice and the ICC, and express their willingness to continue to strengthen their commitment to effectively implementing IHL.

**Pledge**

The Government of the Kingdom of Spain and the Spanish Red Cross pledge to:

1. Promote and support the inclusion among the crimes under the ICC's authority of new war crimes causing particular harm to civilian populations, in particular:
  - support the proposal to include the use of chemical weapons as a war crime; and
  - support Spain's ratification of the amendment to Article 8.2 (e) of the Rome Statute which defines subjecting populations to starvation as a war crime in the framework of non-international armed conflicts.
2. Promote the signing between Spain and the ICC of a cooperation agreement on the enforcement of penalties, as well as a wide-ranging agreement on mutual legal assistance to facilitate and streamline the processing of formalities and letters rogatory, as well as other forms of cooperation with the ICC.
3. Promote the inclusion, in the framework of the Human Rights Council Universal Periodic Review, of the following issues in the review and in the recommendations addressed to the reviewed States:
  - ratification of the Rome Statute;
  - adoption of all the necessary measures to eliminate any obstacles for cooperation with the ICC; and
  - adoption of all the necessary measures to promote the universality of and preserve the integrity of the Rome Statute.

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**HEALTH CARE IN DANGER. PROTECTION OF THE MEDICAL MISSION**

**Joint Pledge of the Government of the Kingdom of Spain and the Spanish Red Cross**

Attacks against healthcare in current armed conflicts constitute one of the greatest challenges for IHL, characterized by the persistence of this phenomenon, its aggravation, and its resurgence as a reiterated aspect in terms of number of people affected, whether directly or indirectly.

The United Nations Security Council, at the proposal, among other States, of the Kingdom of Spain, approved Resolution 2286 (2016) on acts of violence, attacks and threats against the wounded and sick, medical and humanitarian personnel, their means of transport and equipment, hospitals and other medical facilities in armed conflicts.

**Pledge**

The Government of the Kingdom of Spain and the Spanish Red Cross pledge to:

1. Promote the dissemination of IHL rules among the members of the Military Health Corps.
2. Support the training of armed forces and law enforcement bodies in the rules protecting healthcare and the applicable sanctions, as well as in the rights and responsibilities of all healthcare personnel, including ethical principles, especially of the personnel participating in peacekeeping missions outside national territory.
3. Ensure that armed forces and law enforcement bodies continue their efforts to incorporate practical measures for the protection of the wounded, the sick, and healthcare personnel into the planning and implementation of their operations, especially the Rules of Engagement.
4. Support, in the international sphere, the efforts aimed at more effective implementation of UNSC Resolution 2286 (2016), in particular those aimed at establishing reliable mechanisms for collecting information about attacks against medical and healthcare personnel.
5. Support the establishment of independent international mechanisms for investigation, as well as those already in place, to make it possible to determine the circumstances in which attacks against medical facilities occur, with a view to accountability.

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**PROTECTION OF MINORS IN ARMED CONFLICTS**

**Joint Pledge of the Government of the Kingdom of Spain and the Spanish Red Cross**

The United Nations Security Council approved Resolution 2427 (2018) on the comprehensive protection of children affected by armed conflict. The Geneva Conventions and their two Additional Protocols set forth obligations regarding special protection for children in situations of armed conflict. Other more specific obligations with regard to the participation of children in armed conflicts derive from the Optional Protocol of 2000 to the Convention on the Rights of the Child of 1990, ratified in 2002.

Spain has signed and supports the Paris Principles and Commitments (2007) on the protection of boys and girls recruited and used illicitly by armed forces or armed groups. Spain also participated in the drafting of the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers.

Spain also endorsed the Safe Schools Declaration (2015), undertaking to adapt its legislation and military practices to the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, and hosted the Third International Conference on Safe Schools (Majorca, May 2019).

**Pledge**

The Government of the Kingdom of Spain and the Spanish Red Cross pledge to:

1. Continue to incorporate practical measures for protecting minors, especially measures relating to combatting sexual and gender violence, planning and carrying out operations by the armed forces and law enforcement bodies, training, and standard military operational procedures, especially as regards the Rules of Engagement.
2. Support the deployment of child protection advisers to Peacekeeping Operations, pursuant to UNSC Resolution 2427 (2018).
3. Incorporate the “Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict” into military doctrine, military handbooks, military intervention directives, and other means of dissemination in order to promote the practice throughout the chain of command.
4. Contribute to activities aimed at greater international knowledge of the “Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict”, especially in countries in conflict, countries with protracted crises, and countries with particularly unsafe situations for boys and girls in school.
5. Support the measures promoted internationally and in the United Nations which enable greater accountability for severe violations committed against girls and boys in situations of armed conflict.

6. Support measures aimed at raising awareness regarding children in armed conflicts and child soldiers, and at furthering knowledge of the problem and possible solutions, in particular their reintegration and psycho-social assistance.

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**LEGAL STANDARDS APPLICABLE IN CASES OF DISASTER**

The Government of the Kingdom of Spain and the Spanish Red Cross,

Recognizing the humanitarian consequences of climate change and of environmental degradation, which contribute to poverty and displacement, heighten health hazards, and may exacerbate violence and conflicts, as well as the disproportionate effects that they have on the most vulnerable people,

Aware of the profound human suffering and the numerous economic losses provoked by disasters, and agreeing with the provisions of:

- The Sendai Framework for Disaster Risk Reduction on the importance of promoting the coherence and development of national legal frameworks and public policies, and of assigning clear functions and tasks to community representatives in disaster risk management processes.
- The Paris Agreement on Climate Change with regard to the need to increase the capacity to adapt to the adverse effects of climate change, promoting legislative changes and the implementation of the relevant public policies.

**Pledge**

They undertake to evaluate whether their prevailing legal standards, policies, and national strategies and plans applicable in the event of disaster envisage climate factors, in that they provide guidance on preparing for the escalating risk of climate-related disasters and on countering such risks, guarantee a comprehensive approach to disaster risk management and to adaptation to climate change, and promote approaches with a gender perspective, as well as the leadership role of the community as regards risk analysis, planning, and decision-making.

**Action Plan:**

- Produce a study of the legislative framework and public plans and policies currently in force in Spain as regards disaster response, which shall analyse their adequacy and/or shortcomings, and propose, where appropriate, any necessary measures.
- To this end, and among others, the tool used shall be the checklist on law, disaster preparedness and disaster intervention, attached to the Resolution: “Climate-smart disaster laws and policies that leave no one behind”, adopted at the 33<sup>rd</sup> International Conference.

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AS REGARDS DEVELOPMENT OF NATIONAL SOCIETIES**

**DEVELOPMENT OF NATIONAL SOCIETIES: STRONG AND EFFECTIVE LOCAL  
HUMANITARIAN ACTORS**

**Joint Pledge of the Government of the Kingdom of Spain and the Spanish Red  
Cross**

The National Societies of the Red Cross and Red Crescent (hereinafter, National Societies) are humanitarian organizations that play a crucial role in the response to conflicts, protracted humanitarian crises, and disasters, due to their being local agents formed by 13.7 million volunteers present in almost every corner of the globe, before, during and after the crises hit. The National Societies render their services directly to the most vulnerable communities in which they are established, and strengthen civil society and stability at the local level.

Through the International Federation of Red Cross and Red Crescent Societies (IFRC), these local actors are organized into an extensive global network that contributes to the capacity to manage the risks and impacts of disasters, emergencies and crises.

Many National Societies are sustainable and independent; they are trusted partners rendering effective services, who enjoy credibility and recognition in their communities. Other National Societies require investment to grow and reach their full potential. National Societies with limited capacities, or in situations of ongoing instability, may have difficulties accessing the resources they need and mobilizing investment in their organizational development.

Addressing these problems calls for a collective response from States and from the components of the International Red Cross and Red Crescent Movement, pursuant to the Grand Bargain commitment adopted by the international community at the World Humanitarian Summit of 2016 to draw support from the institutional capacity of local and national humanitarian response bodies.

On this basis, the Government of the Kingdom of Spain and the Spanish Red Cross continue to consider that investing in local humanitarian capacity as a key solution to the growing humanitarian challenges we are currently facing is one of their primary goals.

**Pledge**

The Government of the Kingdom of Spain undertakes—pursuant to Royal Decree 415/1996, of 1 March, setting forth the rules governing the Spanish Red Cross—to continue facilitating the work of the Red Cross as a volunteer-based, public-interest humanitarian institution, which undertakes its activity in support of and in collaboration with the public administrations, under State protection, while maintaining its independence and autonomy, with full acceptance of the principles of the International Red Cross and Red Crescent Movement.

The Government of the Kingdom of Spain and the Spanish Red Cross pledge to continue working together and to strengthen, as far as possible, diverse initiatives



aimed at supporting the development of the National Societies, to address the new humanitarian challenges that arise, and as a commitment to strengthening local actors.