

THE OBLIGATION OF THE STATE TO DISSEMINATE INTERNATIONAL HUMANITARIAN LAW

Jan KYSELAK, Jana ROZSYPALKOVA
jan.kyselak@unob.cz, jana.rozsypalkova@unob.cz

Abstract

With the gradual adoption of the documents concerning international humanitarian law, our country is bound to their dissemination (i.e. spreading the knowledge of international humanitarian law) both in peacetime and the periods of armed conflicts. This paper deals with the topic of the dissemination of the knowledge of IHL as an important part of the public international law. It focuses on the selected documents of the international humanitarian law and commitments to disseminate their content, discusses possibilities of spreading these documents in general and presents the current state of their dissemination – carrying out the commitments adopted by the state; in this case focused on the dissemination in the armed forces of the Czech Republic (CR). It also highlights the major role of the Czech Red Cross in supporting the implementation of the commitment, and suggests several measures to improve the current situation in this field.

Keywords

Document; dissemination; international humanitarian law (IHL); obligation; state.

INTRODUCTION

2014 year was connected with a number of important anniversaries related to the establishment and development of IHL. The 155th anniversary of the Battle of Solferino (June 24, 1859) which lead to the establishment of both IHL and the Red Cross, the 150th anniversary of the adoption of the First Geneva Convention (for the Amelioration of the Condition of the Wounded in Armies in the Field, adopted on August 22, 1864) which formed the basis of the contemporary IHL, 100 years since the outbreak of World War I (July 28, 1914) which showed the insufficiency of adopted norms of IHL, 65 years since signing Geneva Conventions, the 60th anniversary of the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its First Protocol (May 14, 1954) as well as the 15th anniversary of the adoption of the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (March 26, 1999) are among the most significant ones.

Though the Czech Republic is also a signatory to a number of other documents from the area of IHL (conventions, protocols, etc.) which have no anniversary of signing this year and which were later adopted in the Czech legal order, the Geneva Conventions of 1949 and their Additional Protocols together with the Hague Conventions and their Protocols are undoubtedly among the most important ones as their importance in the past, present and future time is unquestionable. What requires a certain attention is the way how the obligations to disseminate the content of these documents are carried out. This is the topic this paper deals with.

1 SELECTED DOCUMENTS OF IHL AND OBLIGATIONS TO DISSEMINATE THEM

Among the documents which include the obligation of the state to disseminate their content we can find **the Geneva Conventions of 12 August 1949 [1] for the protection of war**

victims adopted by the United Nations in Geneva as a reaction to the World War II together with Protocol additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I), Protocol additional to the Geneva Conventions of 12 August 1949 [2] relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) and Protocol additional to the Geneva Conventions of 12 August 1949 relating to the Adoption of an Additional Distinctive Emblem (Protocol III) [3] as well as the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict with the Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954 [4] and the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict [5].

When these norms entered in force, the Czech Republic accepted the commitment to spread the knowledge of IHL. For the documents and articles that refer to this obligation see Table 1.

Table 1
The articles of the IHL documents with the obligation of the state to their dissemination

Document	Article
Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field.	47
Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.	48
Geneva Convention relative to the Treatment of Prisoners of War.	127
Geneva Convention relative to the Protection of Civilian Persons in Time of War.	144
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I).	83
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).	19
Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).	7
Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954 and the Protocol to the Convention.	25
Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict.	30

The texts about the obligations slightly differ. Despite the fact that the texts are not identical, they are unambiguous. General public is probably rather unaware of both the content of these documents and the obligation to disseminate them undertaken by the state in the past. What is questionable is the awareness of this issue among professionals, specifically the people who work for the institutions responsible for this issue, where the knowledge of these norms should be expected.

2 GENERAL MEANS FOR DISSEMINATION OF IHL DOCUMENTS

The contemporary law [6] does not prescribe the obligation of dissemination of the documents mentioned above to any specific governmental institution. According to § 6 (3) (h) of this law, it is the Ministry of Foreign Affairs of CR that oversees abiding by the international agreements and contracts, and carrying them out. The specific task concerning spreading the knowledge of the Geneva Conventions (and, in accordance with this law, the Protocols I and II, and presumably Protocol III, though it is not mentioned in the law as a part of the Geneva Conventions despite its update in 2011) is legally obliged to the Czechoslovak (understand Czech) Red Cross according to § 4 (d) of the law [7].

In accordance with § 8 of the law [6] the Ministry of Culture of CR is the governmental institution responsible for art, cultural education, cultural sights, etc. Nevertheless, this ministry does not feel fully authorized to oversee abiding by the Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954 and the Protocol to the Convention and the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict; it only carries them out within its authority [8]. The obligation to disseminate the ideas of the Convention and Protocols is not only the concern of the Ministry of Culture of CR, but also of other departments such as the Ministry of Defence of CR and the Ministry of the Interior of CR [8]. As for spreading the ideas of the Convention, the Ministry of Culture of CR closely co-operates with the Czech Committee of the Blue Shield – giving lectures in this field, training of civil servants, etc.

The IHL documents mentioned in this paper can be disseminated by several means:

The Collection of Laws and International Treaties;

These collections (and thus the text of the documents) are currently available:

- on the Internet;
- in libraries;
- in selected institutions (e.g. Self-government bodies).

In the first case it is almost always a paid service. In the following case it is possible to use admission free access to study rooms of most public libraries. Unfortunately, the common public libraries do not provide the collections of laws. Self-government bodies are not able to handle the mass access to the collections of laws.

Published materials

The content of the documents used to be published in materials such as [9] and others. They were not intended for sale, they were distributed according to the distribution list. They can be found in some of the public or institutional libraries (a number of volumes are available, for instance, in the library of the University of Defence). In the first case it is usually a paid service (admission fee in libraries). In the second case the borrowing or studying the materials may be complicated as the libraries are not intended for public use.

Recently there are published monographs dealing with and commenting chosen topics from IHL – e.g. [10] or university study supports [11]. The problem with spreading these materials, especially the study supports published by various universities and colleges, is in the restricted access to these materials. In case that the materials acquire ISBN, they are available at legal deposit repositories (Národní knihovna Praha, Moravská zemská knihovna v Brně, Vědecká knihovna v Olomouci) where admission fees are usually required.⁵

Internet

This is also the way how the obligation of CR to disseminate this law is fulfilled. This way is widely used especially by the Czech Red Cross. The access to the internet service mentioned above is also charged.

Courses

Another way to disseminate IHL is represented by courses, specifically the courses which provide training for lecturers who work on further spreading of the knowledge. These courses are currently organized by the Czech Red Cross. To participate in the course the course fee has to be paid, though there are exceptions (for details see below).⁵

Radio

A significant part in the IHL dissemination can be played by Český rozhlas (the Czech Radio) as for a wide variety of radio programmes and discussions it can offer. However, the authors of the paper have not been successful in finding a programme which would deal with the topic of the IHL dissemination.⁵ Due to licence fees not even this way of IHL dissemination would be free of charge for public.

Television

Česká televize (the Czech Television) can contribute to spreading the knowledge of IHL to a large extent and thus support the state in meeting its obligations. As well as in case of the Czech Radio the authors have not managed to find a programme which would deal with the discussed issue.^{5,6} Similarly, licence fees are required, so it is not free of charge for general public.

3 CURRENT APPROACHES AND IHL DOCUMENTS DISSEMINATION IN PRACTICE

The National Committee for the Implementation of IHL¹

The delegates of CR were authorized by the Government of CR to participate at the 30th International Conference of the Red Cross and Red Crescent in 2007 in Geneva, and among others to announce the voluntary obligation:

“The CR will reinforce national mechanisms to meet the international humanitarian law obligations including institutionalization of the national committee for the implementation of international humanitarian law.”

– see Resolution of the Government of CR No. 1290 of 14 November 2007 [12]. Nonetheless, the institutionalizing document of the National Committee was not signed by the deputies of the Ministry of Foreign Affairs of CR, the Ministry of Defence of CR and the Czech Red Cross until 10 October 2011².

The mission of the National Committee is to facilitate executing IHL on the national level as well as to contribute to its development in the international environment [13]. The Agreement on the Establishment of the National Committee – see [14]. By the 30 August 2013 there were 103 similar institutions (National Committees for the Implementation of IHL) – see [15].

Resolution of the Government of CR No. 829 of 9 November 2011 [16] authorized the delegates of CR to announce a new voluntary commitment at the 31st International Conference of the Red Cross and Red Crescent:

“The CR in co-operation with the Czech Red Cross will develop spreading the knowledge of IHL also within the civil service, the armed forces and the security bodies of CR, the bodies of integrated rescue system as well as within schools and universities...”

In questions connected with IHL the National Committee is the permanent coordinating and advisory body for all participating stakeholders (i.e. the Ministry of Foreign

Affairs of CR, the Ministry of Defence of CR, the Czech Red Cross and other stakeholders that will join the agreement in the procedure according to Art. VIII). The role of the secretariat is given to the International Law Department of the Ministry of Foreign Affairs of CR.

The National Committee consists of the chairman, the members and the secretary of the National Committee. The chairman is a representative of the Ministry of Foreign Affairs of CR. The members are representatives of stakeholders except the secretary. By the majority of its members the National Committee approves the membership of other institutions such as faculties of law, public colleges and universities, etc. For more information about this issue on the international level see [17].

The efforts of the authors of this paper to gain additional information about the particular activities of the National Committee over the past years, especially in relation to:

- the intensification of IHL dissemination within the bodies mentioned above (the civil service, the armed forces, the security bodies, the bodies of integrated rescue system, schools and universities) since 2011 (the year of the National Committee establishment);
- the adoption of the action plan for the following terms and possibilities to learn about it;
- the report of the activity of the National Committee over the past two years and again possibilities to learn about it were in vain.

The information about the activities of the National Committee and materials discussed were not provided due to their non-public nature [18]. Rather incomplete reports about activities of the National Committee can be found on the Czech Red Cross websites.

4 CURRENT PRACTICE OF IHL DISSEMINATION WITHIN SELECTED BODIES

The National Committee is supposed to focus on the support of IHL dissemination also within the civil service, the armed forces and the security bodies of CR, the bodies of integrated rescue system, schools and universities. The current state of IHL dissemination within these bodies and institutions is as follows:

Civil service

The knowledge of IHL within the civil service is supposed to be spread in accordance with the Concept of Crisis Management Education approved by the Resolution of the State Security Council No. 14 of 16 November 2004 [19], specifically module C – Non-military Crisis Management and module E – Population Protection [20].

Module E actually touches the area of IHL. It can hardly be said about module C. IHL is not a subject taught in the courses prepared for the administrative units workers or workers in the state administration offices organised by the Institute for Civil Service [21], though based on the conception [19] this might be expected.

The Armed Forces of CR

The Ministry of Defence of CR is the most important institution responsible for IHL dissemination within the armed forces. A systematic effort to disseminate and teach IHL in CR started in 1993, i.e. after adopting the Geneva Conventions and their Additional Protocols obligations (of the former Czech and Slovak Federal Republic).

The main focus is on providing the knowledge of IHL to the soldiers who prepare for their positions in the armed forces at the University of Defence or in the courses held by the Training Command – Military Academy. A special attention is given to the soldiers preparing for the foreign missions. These soldiers attend lectures concerning IHL, particularly rules of engagement. More profound training intended to selected soldiers (e.g. legal advisors) is provided in courses dedicated to IHL held in CR or abroad. As examples of such courses we can mention the courses held by the Ministry of Defence of CR in co-operation with the

Defence Institute of International Legal Studies (USA) or the courses held in co-operation with the Czech Red Cross. Various teaching and informative materials have been published by the Ministry of Defence of CR to support education in the area of IHL. The lecturers also use educational materials published abroad – e.g in the IHL Institute in San Remo, the International Committee of the Red Cross in Geneva and its Regional Delegation in Budapest, Henry Dunant Institute, Asser Institute in the Hague, JAG School in Charlottesville, the USA, NATO School in Oberammergau, Germany [22].

Important dates in the process of IHL acquisition within the armed forces of CR [22]:

In 1999 the Agreement between the Ministry of Defence of CR and the International Committee of the Red Cross (ICRC) on co-operation concerning dissemination of IHL and the general principles of humanity came into force. The document is deposited at the International Law Department of the Ministry of Defence of CR ref. No. 20/13-22/1999-1326.

In April 2002 the Framework Agreement on co-operation between the Ministry of Defence of CR and the Czech Red Cross was concluded. The aim of the Agreement was to establish the legal and organisational precondition for the implementation agreements between the Ministry of Defence of CR and the Czech Red Cross and for co-operation in selected areas of preparation and realisation of humanitarian activities and events.

In October 2011 the Agreement on the Establishment of the National Committee for Implementation of IHL was concluded (for details see above). The Ministry of Defence of CR is the signatory of the Agreement and one of the establishing members of the Committee.

In January 2013 the Minister of Defence issued the Order No. 4 – The Rules of the use of force when accomplishing assigned duties of the Army of CR (published in *Věstník Ministerstva obrany CR*).

Later in 2013 the NATO standardised agreement STANAG 2449 ed.2 which introduces the document ATrainP-2 – The training in IHL for NATO operations was adopted and it is currently implemented in the training of the Czech Army. This document standardises the training procedures of NATO members.

In October 2013 the Implementation Agreement on co-operation in the area of IHL dissemination between the Ministry of Defence of CR and the Czech Red Cross based on the Frame Agreement of April 2002 was concluded. The Implementation Agreement provides the training of soldiers in active duty and civilian employees of the Ministry of Defence of CR through the Czech Red Cross.

With the adoption of the documents mentioned above the Ministry of Defence issues or supports issuing of various publications devoted to the topic of IHL. There are several examples:

Příručka mezinárodního humanitárního práva pro ozbrojenou sílu [23]

The handbook was the first proper tool for the acquisition of the norms of IHL in the armed forces of CR.

Haagské úmluvy v systému mezinárodního humanitárního práva [24], [25]

A two-part publication that presents the Hague law to the members of the armed forces of CR.

Ženevské úmluvy o ochraně obětí ozbrojených konfliktů [26]

This is the first concise issue of the Geneva Conventions of 1949 and their first Additional Protocols for the needs of the armed forces of CR.

Civilní obrana a mezinárodní humanitární právo [27]

The publication contributes to solving the problem concerning the implementation of IHL requirements within the competence of the Ministry of Defence of CR.

This issue is also covered in the materials published later:

Mezinárodní humanitární právo [10]

The comprehensive publication discusses the issue in detail and can significantly support IHL dissemination.

Mezinárodní humanitární právo (Souhrn pro velitele) [28]

The brief summary for commanders provides information about the obligations that arise from IHL in carrying out the tactical tasks.

Přežij: příručka pro přežití v krizových situacích [29]

The Chapter 1 (about 20 pages) is the only chapter of this publication that deals with the selected aspects of IHL connected with survival in crisis.

From the brief description of these publications it is obvious that they all contribute to IHL dissemination in a certain way. Nevertheless, a significant number of soldiers may not be aware of the existence of these publications, or have problems with the access to them.

Legislation

To comply with the obligations based on IHL several legal regulations have been issued. Their contribution to this issue is as follows:

In 2011 the tool Práv-51-2 Mezinárodní úmluvy o ochraně kulturních statků a obětí války za ozbrojeného konfliktu which defined some parts of IHL was cancelled without compensation.

Currently, fragments of IHL can be found in the following legal regulations:

Zákl-1 Základní řád ozbrojených sil České republiky [30]

This code refers to the duty of a soldier to follow the principles of the international law of war and IHL, however, IHL dissemination is not defined.

Všeob-Ř-1 Polní řád pozemních sil Armády České republiky [31]

This code refers to the fact that all military activities must comply with IHL. The attachment of the code touches IHL to a very limited extent. Not even this code defines the obligation to disseminate IHL.

Zákon č. 221/1999 Sb., o vojácích z povolání [32]

This law as well as the two examples mentioned above only defines the duty of a soldier to comply with the legal regulations, the international law of war and IHL, the international treaties, etc. It does not support IHL dissemination.

Integrated rescue system bodies

Fire Rescue Service of CR

Targeted and continual spreading of the knowledge of IHL is absent. This topic is only mentioned very briefly as a part of introductory lessons of some courses and introductory chapters of various teaching materials. No specific detailed materials (study texts or other study supports) to spread IHL at the district or regional level have been distributed in the last years and no lecturer from the central level has been trained for this area either.

Fire units based on fire cover

Also within these fire units targeted and continual spreading of the knowledge of IHL is absent – fire rescue units regard it as a completely marginal topic.

Medical Rescue Service

Spreading of the knowledge of IHL is not in progress at these providers. Nevertheless, there are groups of employees of these institutions who have certain awareness of this area – e.g. crisis preparedness sections.

Police of CR³ [33]

The Ministry of the Interior of CR actively joined the National Committee for IHL Implementation on the basis of the minister's decision of 7th March 2012. The Czech police puts strong emphasis on entrance as well as continuous education and spreading of the knowledge of IHL is an inseparable part of it.

IHL is a part of the following lessons:

- Cross-sectionally within higher professional education;
- Marginally within qualification and specialisation courses;

- Within further professional training of police officers (also education of immigration police officers);
- A two-week training program for employees of arresting stations for foreigners.

An important part of education system of police officers in the area of IHL is represented by the activities of the Centre for Human Rights and Integrity at the Police College of the Ministry of the Interior in Prague. The Centre teaches a block called Legal Aspects of Peace Operations, with the emphasis on human rights and IHL.

Among other important activities of all police schools, especially the Police College of the Ministry of the Interior in Prague, there is continuous co-operation with the Department of International Relations of the Police Presidium of CR on education of Czech police officers within their preparation before their deployment to foreign peace operations.

The Police Academy of CR in Prague integrated its part of preparation of security corps members who are deployed to foreign missions into its priorities in the area of internationalisation in its long-term intended development for the period of 2009-2013. The preparation includes mastering of humanitarian rules. IHL tuition at the Police Academy is provided by the Department of Public Law Disciplines as a part of many subjects in Bachelor as well as Master study programmes.

As for publishing activity, a study textbook of IHL for police officers and civil servants has been published focussed especially on the commentary of the Fourth Geneva Convention (Protection of Civilian Persons in Time of War) and other related international legal acts.

Schools

As a reaction to commitments of the Czech government made within the 31st International Conference of the Red Cross and Red Crescent, which took place in Geneva in November 2011, Methodical Guidelines for IHL tuition in the field of secondary education has been processed [34]. The Methodical Guidelines present starting points of IHL tuition in the field of secondary education, describes its relation to framework educational programmes and recommends particular methods and forms of work. For inspiration they also bring particular lesson activities and introduce various sources of information (valid since 3 September 2012). The material was created in co-operation with the Czech Red Cross. Unfortunately, there has been no feedback (response to real tuition process in this area and its efficiency) so far [35]. As for primary education, targeted IHL tuition is absent.

Universities

The University Education Department of the Ministry of Education, Youth and Sport of CR has no methodology to support dissemination of IHL at Czech universities, because on the basis of Act No. 111/1998 Col. on higher education (amended and consolidated) [36], the ministry cannot prescribe universities the content of their study programmes and fields of study or their scientific, research, development, innovation and other creative activities. The Deputy of the Ministry states that this ministry monitors accredited fields of study at Czech universities, where they mention existence of IHL subjects within the area of international or constitutional law at Charles University in Prague, Masaryk University in Brno and Palacký University in Olomouc only [37].

Population

Targeted continuous spreading of IHL among population⁴ is not in progress at the moment. There is no commitment to spread this topic towards this part of population in the Government Resolution [16] – see above. If it is presumed that the population will become familiar with this area through secondary education fields of study – see above again, then all adult population which have not gone through this education leaves the commitment of our country in this direction unfulfilled. Moreover, a part of population will never graduate from secondary schools (those with compulsory primary education only, the disabled, foreigners with

permanent residency in CR who immigrated in their adult age, etc.). While IHL documents explicitly enshrine its spreading towards population, schools as institutions and a possible as well as the only way of such spreading are not mentioned.

The Concept of Population Protection valid for 2020 with a view to 2030 is justly based on the selected IHL documents. Naturally, it doesn't affect the issues of IHL dissemination themselves.

5 THE ROLE OF THE CZECH RED CROSS IN RELATION TO IHL DISSEMINATION

In accordance with the law [7] the Czech Red Cross is considered to be the most significant disseminator of IHL in CR. It complies with the obligation to disseminate IHL by publishing materials, leaflets, etc., by presentation on its own websites (for both see above), or by organizing various courses, especially the regular (held twice a year) 3-day courses of IHL intended primarily for pedagogical workers (primary and secondary school teachers), but also for others interested in the topic such as public, journalists, members of armed forces, FRS, the Czech Red Cross, etc.

The main goal of the tuition is to learn and understand applicable mechanisms of ensuring the international legal protection of the victims of armed conflicts. Participants will be also provided with basic information about the International Red Cross and Red Crescent Movement, particularly in relation to the protection of human rights in armed conflicts. The content of the course is based on the model course recommended by the ICRC. This course contributes to the implementation of international legal commitments of CR to incorporate basics of IHL into educational programmes as agreed in Geneva Conventions for protection of victims of armed conflicts, their Additional Protocols, and finally the obligation of CR at the 31st International Conference of the Red Cross and Red Crescent in Geneva in 2011 approved by the Government Resolution [16].

The main spheres of activity of this institution are defined by the law [7]. For further information about the activities of the Czech Red Cross see [38].

6 THE ORIENTATION OF EDUCATION AND TRAINING IN THE FIELD OF IHL FOR THE MEMBERS OF SELECTED BODIES AND THE POPULATION

Each member of the selected bodies (including the population) – namely the ACR and providers of Medical Rescue Service and health care facilities – who may encounter IHL practical implementation should have some knowledge of these issues. As the IHL created by particular documents is very extensive, it is not possible to require its comprehensive knowledge from any of members of these bodies as well as from the population. Moreover, it is surely unnecessary to acquire the required level of this knowledge already at this time. The intensification of education and training should take place especially in the state of threat to the country. The members of the ACR, who currently participate in foreign operations and are trained at the Training Command – Military Academy, Vyškov before their departure, are an exception.

The basic areas of IHL which the members of selected bodies or the population should know at least in general are as follows:

Members of the ACR

The content orientation of education and training has been adjusted in the materials published for this purpose especially by the Minister of Defence, CR.

Members of the providers of the Medical Rescue Service and health care facilities

The issue of wounded, sick and shipwrecked persons, the issue of medical units and institutes, medical transportation (medical ships, medical aircraft), health care staff, buildings and material for medical purposes, hygiene and medical treatment (including prisoners), distinctive signs and identification, operations and protection of medical units, criminal law, abuse and breach of IHL.

Members of the Fire Rescue Service of CR

Documents and importance of IHL, the place, role and structure of the International Red Cross and Red Crescent, the protection of victims of armed conflicts, international distinctive signs, etc.

Members of the Police of CR

Documents and importance of IHL, the place, role and structure of the International Red Cross and Red Crescent, the protection of human rights, the protection of victims of armed conflicts, the protection of the family, international distinctive signs, criminal law, abuse and breach of IHL, etc.

The Population

Universal protection against the effects of war, behaviour of civilians under command of a foreign party (foreigners on the territory of combatants and citizens on the occupied territory), criminal law, internment, civil defence, information offices, abuse and breach of IHL, etc.

CONCLUSION

Although IHL dissemination in CR has reached a certain level recently, there is still room for improvement. For instance:

- More consistent compliance with the obligation of the state, in the areas which can be primarily influenced by the state - civil service, the armed forces and the security bodies of CR, the bodies of integrated rescue system;
- Access to the information about the activities of the National Committee for IHL Implementation (the authors see no reason why its activity and discussed materials should be of non-public nature and could not be provided on request of professionals);
- Arranging a free access to IHL documents for population. (almost all means for dissemination are currently subject to a charge);
- Inducing at least a minimum interest in IHL among population;
- Involving the Czech Radio and Czech Television (as public institutions) in IHL dissemination, especially in relation to adult public that have not had a chance to learn about the issue at any level of the system of school education, or are not members of any institutions mentioned above, where IHL is supposed to be systematically disseminated (the civil service, the armed forces and the security bodies of CR, the bodies of integrated rescue system);
- More responsible approach of the Ministry of Interior – the General Directorate of Fire Rescue Service of CR in connection with IHL dissemination within the Integrated Rescue System (a body responsible for methodical management of state administration of regions and municipalities in the matters concerning Integrated Rescue System);
- Drawing consequences from the failure to meet this obligation.

No matter how distant the area of IHL may appear to the majority of public, the experience either from international or non-international conflicts support the idea that the knowledge (or at least awareness) of this issue should not be underestimated under any circumstances. The

authors humbly believe that this paper will at least partly provide the insight into IHL dissemination in CR and might also be an impulse for its further improvement.

NOTES:

- ¹ In the Institutionalizing document “the Committee” is used, but it can be also referred to as “the group” or “the commission”.
- ² Approximately a month before the Session of the International Red Cross and Red Crescent Movement (23 November-1 December 2011) and the following sessions - the 18th session of the General Assembly of the International Federation of Red Cross and Red Crescent Societies (23-25 November), The Council of Delegates of the International Red Cross and Red Crescent Movement (26 November) and the 31st International Conference of the Red Cross and Red Crescent (28 November-1 December).
- ³ In this paper the Police of CR is presented as one of security and integrated rescue system bodies.
- ⁴ Population in this case means adult population with at least elementary education who does not work in the civil service, the armed forces and security bodies of CR, or in the bodies of the integrated rescue system.
- ⁵ Findings based on the content analysis.
- ⁶ Among the programmes related to IHL at least partially, the programme broadcast by the Czech Television on August 21, 2014 on the occasion of 150th anniversary of the adoption of the first Geneva Convention can be mentioned – e.g. see: <http://www.ceskatelevize.cz/ivysilani/1096902795-studio-6/214411010110822-studio-6-ii>

Resources

- [1] Vyhláška č. 65/1954 Sb., o Ženevských úmluvách ze dne 12. srpna 1949.
- [2] Sdělení č. 168/1991 Sb., o přijetí Dodatkového protokolu k Ženevským úmluvám z 12. srpna 1949 o ochraně obětí mezinárodních ozbrojených konfliktů (Protokol I) a Dodatkového protokolu k Ženevským úmluvám z 12. srpna 1949 o ochraně obětí ozbrojených konfliktů nemajících mezinárodní charakter (Protokol II).
- [3] Sdělení č. 85/2007 Sb.m.s., o přijetí Dodatkového protokolu k Ženevským úmluvám z 12. srpna 1949 o přijetí dalšího rozeznávacího znaku (Protokol III).
- [4] Vyhláška č. 94/1958 Sb., o Úmluvě na ochranu kulturních statků za ozbrojeného konfliktu a Protokolu k ní.
- [5] Sdělení č. 71/2007 Sb.m.s., o přijetí Druhého protokolu k Haagské úmluvě na ochranu kulturních statků za ozbrojeného konfliktu z roku 1954.
- [6] Zákon č. 2/1969 Sb., o zřízení ministerstev a jiných ústředních orgánů státní správy České republiky, ve znění pozdějších předpisů.
- [7] Zákon č. 126/1992 Sb., o ochraně znaku a názvu Červeného kříže a o Československém červeném kříži, ve znění pozdějších předpisů.
- [8] VAJČNER, Jiří. Osobní sdělení. Ministerstvo kultury, Maltézské náměstí 1, 118 11, Praha 1, 24. července 2014.
- [9] Kolektiv autorů. *Ženevské konvence a dodatkové protokoly*. Praha: Federální výbor Československého červeného kříže, 1990. 208 s.
- [10] FUCHS, Jiří. *Mezinárodní humanitární právo*. Praha: Ministerstvo obrany – Agentura vojenských informačních služeb, 2007. 230 s. ISBN 978-80-7278-424-0.
- [11] LIŠKA, Pavel a Václav MASTNÝ. *Mezinárodní humanitární právo pro policisty a pracovníky veřejné správy*. Praha: Policejní akademie České republiky v Praze, 2012. 186 s. ISBN 978-80-7251-369-7.

- [12] Usnesení vlády České republiky ze dne 14. listopadu 2007 č. 1290 o obeslání 30. Mezinárodní konference Červeného kříže a Červeného půlměsíce.
- [13] Ministerstvo zahraničních věcí České republiky. Česká republika ustavila Národní skupinu pro implementaci mezinárodního humanitárního práva [online]. [cit. 2014-07-28]. Dostupné na: http://www.mzv.cz/jnp/cz/udalosti_a_media/archiv_zprav/rok_2011/x2011_10_10_cr_ustavila_narodni_skupinu_pro_implementaci.html
- [14] Ujednání o ustavení Národní skupiny pro implementaci mezinárodního humanitárního práva [online]. [cit. 2014-07-28]. Dostupné na: <http://www.cervenkykruz.eu/cz/nsmhp/Ujednani-Narodni-skupina-MHP.pdf>
- [15] ICRC. National committees and other national bodies on IHL [online]. [cit. 2014-07-28]. Dostupné na: <http://www.icrc.org/eng/assets/files/2013/national-committees-icrc-16-08-2013-eng-2.pdf>
- [16] Usnesení vlády České republiky ze dne 9. listopadu 2011 č. 829 k návrhu na obeslání 31. Mezinárodní konference Červeného kříže a Červeného půlměsíce.
- [17] ICRC. National Committees for the implementation of IHL [online]. [cit. 2014-07-28]. Dostupné na: <http://www.icrc.org/eng/war-and-law/ihl-domestic-law/national-committees/index.jsp>
- [18] KLEČKOVÁ, Renáta. Osobní sdělení. Ministerstvo zahraničních věcí České republiky, Loretánské náměstí 5, 118 00, Praha 1, 29. listopadu 2013.
- [19] Usnesení Bezpečnostní rady státu ze dne 16. listopadu 2004 č. 14 k Aktualizaci Koncepce vzdělávání v oblasti krizového řízení.
- [20] FLAIGOVÁ, Kateřina. Osobní sdělení. Ministerstvo vnitra České republiky, náměstí Hrdinů 1634/3, 140 21, Praha 4, 11. března 2014.
- [21] ŠILHOVÁ, Zdeňka. Osobní sdělení. Institut pro veřejnou správu Praha, Dlážděná 6, 110 00, Praha 1, 25. srpna 2014.
- [22] MEDEK, Petr. Osobní sdělení. Ministerstvo obrany České republiky, Tychonova 1, 160 01, Praha 6, 30. července 2014.
- [23] MULINEN, Frédéric de. *Příručka mezinárodního humanitárního práva pro ozbrojenou sílu*. Praha: Magnet-Press, 1991. 232 s. ISBN 80-85434-30-X.
- [24] BAJGAR, Jiří a kol. *Haagské úmluvy v systému mezinárodního humanitárního práva*. Praha: Správa sociálního řízení, 1992. 143 s. ISBN 80-85469-31-6.
- [25] BAJGAR, Jiří a kol. *Haagské úmluvy v systému mezinárodního humanitárního práva*. Praha: Správa sociálního řízení, 1993. 259 s. ISBN 80-85469-41-3.
- [26] Kolektiv autorů. *Ženevské úmluvy o ochraně obětí ozbrojených konfliktů*. Praha: Federální ministerstvo obrany, 1992. 240 s.
- [27] GASSER, Hans Peter a kol. *Civilní obrana a mezinárodní humanitární právo*. Praha: Magnet-Press, 1993. 291 s. ISBN 80-85469-61-8.
- [28] CIMORAD, Jakub a kol. *Mezinárodní humanitární právo. Souhrn pro velitele*. Praha: Ministerstvo obrany – Agentura vojenských informačních služeb, 2007. 48 s.
- [29] Kolektiv autorů. *Přežij: příručka pro přežití v krizových situacích*. Praha: Ministerstvo obrany – Agentura vojenských informací a služeb, 2008. 155 s. ISBN 978-80-7278-451-6.
- [30] Zákl-1 Základní řád ozbrojených sil České republiky, ve znění pozdějších doplňků. Praha: Ministerstvo obrany, 2001. 200 s.
- [31] Všeob-Ř-1 Polní řád pozemních sil Armády České republiky, ve znění pozdějších doplňků. Praha: Ministerstvo obrany České republiky, 1997. 192 s.
- [32] Zákon č. 221/1999 Sb., o vojácích z povolání, ve znění pozdějších předpisů.
- [33] FLAIGOVÁ, Kateřina. Osobní sdělení. Ministerstvo vnitra České republiky, náměstí Hrdinů 1634/3, 140 21, Praha 4, 28. února 2014.
- [34] HESOVÁ, Alena a kol. *Metodické doporučení pro výuku mezinárodního humanitárního práva v oborech středního vzdělávání*. Praha: MŠMT, 2012. 25 s.

- [35] HESOVÁ, Alena. Osobní sdělení. Národní ústav pro vzdělávání, školské poradenské zařízení a zařízení pro další vzdělávání pedagogických pracovníků, Weilova 1271/6, 102 00, Praha 10, 5. prosince 2013.
- [36] Zákon č. 111/1998 Sb., o vysokých školách a o změně a doplnění dalších zákonů, ve znění pozdějších předpisů.
- [37] VOJTĚCH, Vladimír. Osobní sdělení. Ministerstvo školství, mládeže a tělovýchovy České republiky, Karmelitská 7, 118 12, Praha 1, 3. ledna. 2014.
- [38] Český červený kříž. Šíření mezinárodního humanitárního práva [online]. [cit. 2014-07-28]. Dostupné na: <http://www.cervenkykruz.eu/cz/mhp.aspx>