



Plenary sitting

B8-0489/2016

20.4.2016

MOTION FOR A RESOLUTION

further to Question for Oral Answer B8-0361/2016

pursuant to Rule 128(5) of the Rules of Procedure

on attacks on hospitals and schools as violations of international humanitarian law
(2016/2662(RSP))

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on behalf of the PPE Group

European Parliament resolution on attacks on hospitals and schools as violations of international humanitarian law (2016/2662(RSP))

The European Parliament,

- having regard to the Universal Declaration of Human Rights and other UN human rights instruments,
- having regard to the Geneva Conventions and other legal instruments on international humanitarian law (IHL),
- having regard to the Foreign Affairs Council conclusions of 8 December 2009 on promoting compliance with international humanitarian law,
- having regard to the Updated European Union Guidelines on promoting compliance with international humanitarian law¹,
- having regard to the report of the UN Secretary-General for the World Humanitarian Summit, entitled ‘One humanity, shared responsibility’, of 2 February 2016,
- having regard to UN Security Council resolutions 1998 (2011), adopted on 12 July 2011, and 2143 (2014), adopted on 7 March 2014, addressing the protection of children affected by armed conflict,
- having regard to UN General Assembly resolution A/RES/64/290 of 9 July 2010 on the right to education in emergency situations,
- having regard to the Safe Schools Declaration of May 2015, opened for endorsement at the Oslo Conference on Safe Schools as convened by the Norwegian Ministry of Foreign Affairs in May 2015, and the related Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict,
- having regard to the Guidance Note on attacks against schools and hospitals, to assist all those involved in monitoring, reporting and advocacy, launched on 21 May 2014 by the Special Representative of the UN Secretary-General for Children and Armed Conflict,
- having regard to the resolution of 10 December 2015 by the 32nd International Conference of the Red Cross and Red Crescent on strengthening compliance with international humanitarian law,
- having regard to its resolution of 25 February 2016 on the humanitarian situation in Yemen²,
- having regard to its resolution of 12 February 2015 on the humanitarian crisis in Iraq

¹ OJ C 303, 15.12.2009, p. 12.

² Texts adopted, P8_TA(2016)0066.

and Syria, in particular in the IS context¹,

- having regard to its resolution of 16 December 2015 on preparing for the World Humanitarian Summit: challenges and opportunities for humanitarian assistance²,
 - having regard to the question to the Council on attacks on hospitals and schools as violations of international humanitarian law (O-000063/2016 – B8-0361/2016),
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas the international community has witnessed an increasing trend of attacks on hospitals and schools in armed conflicts in the past 10 years around the world, such as the attacks carried out on 2 April 2015 in Kenya, on thousands of schools in Northern Nigeria between 2009 and 2015, on 3 October 2015 in Kunduz (Afghanistan), on 10 January 2016 in Razah (Yemen), and on 15 February 2016 in Idlib Province in northern Syria; whereas the attacks in Kunduz were considered ‘the direct result of unintentional human error, compounded by process and equipment failures’ and investigations were launched, leading to sanctions against those responsible;
- B. whereas the number of people in need has more than doubled since 2004 to over 100 million in 2015; whereas 250 million people are affected by humanitarian crises; whereas the number of forcibly displaced persons has reached its highest point since World War II at nearly 60 million, including almost 40 million people displaced inside their own countries; whereas over half of the world’s refugees are children;
- C. whereas the first response in humanitarian crises comes from families, who provide shelter, food and the necessary care and solidarity to all their affected members; whereas the well-being of children and mothers is the ultimate priority for every family and is worth the greatest sacrifices;
- D. whereas over the past eight years the growing needs and challenges, the lack of sustained commitments and the rising cost of humanitarian assistance have contributed to the current humanitarian system reaching its limits, and whereas this has forced a number of organisations to temporarily suspend food assistance, shelter and other life-saving humanitarian operations;
- E. whereas the first World Humanitarian Summit (WHS) will be held in Istanbul on 23-24 May 2016; whereas, in his report for the World Humanitarian Summit entitled ‘One humanity, shared responsibility’, the UN Secretary-General draws attention to what he calls ‘the brazen and brutal erosion of respect for international human rights and humanitarian law’ in armed conflict situations, which threatens to cause a return to an era of war without limits; whereas the report notes that the failure to demand and promote respect for our shared norms and to support the existing enforcement, monitoring and accountability mechanisms contributes to this erosion;
- F. whereas all parties in a conflict, including state and non-state armed parties, must guarantee humanitarian actors the necessary access to assist vulnerable, conflict-

¹ Texts adopted, P8_TA(2015)0040.

² Texts adopted, P8_TA(2015)0459.

affected civilian populations;

- G. whereas international humanitarian law (IHL), also known as the law of armed conflict, is intended to alleviate the effects of armed conflict by protecting those not taking part in conflict and by regulating the means and methods of warfare;
- H. whereas hospitals and medical personnel are explicitly protected under international humanitarian law and whereas any intentional attack against civilians and civilian infrastructure is considered a serious violation of international humanitarian law;
- I. whereas some armed groups are opposed to secular and girls' education, or to girls being treated by male medical personnel and therefore hamper access to these services; whereas a general climate of insecurity as a result of conflict also prevents children, teachers and medical personnel from attending school or seeking medical assistance;
- J. whereas, as of 14 March 2016, 52 states, including 13 EU Member States, have endorsed the Safe Schools Declaration following the Oslo Conference on Safe Schools, held in May 2015;
- K. whereas the Foreign Affairs Council, when adopting the EU Guidelines on promoting compliance with international humanitarian law, emphasised the importance of dealing effectively with the legacy of serious violations by supporting appropriate accountability mechanisms, and underlined the key role which the International Criminal Court (ICC) can play in cases where the state or states in question are unable or unwilling to exercise their jurisdiction; whereas the EU Guidelines also commit the 'appropriate Council working groups' to monitoring situations where IHL may apply and in such cases, to recommending action to promote compliance with IHL (paragraph 15(a));
- L. whereas the updated EU Guidelines on promoting compliance with international humanitarian law refer to a variety of means of action at the EU's disposal in its relations with third countries in this regard, including political dialogue, general public statements, restrictive measures, cooperation with other international bodies, crisis-management operations, individual responsibility, training and the control of arms exports (paragraph 16);
- M. whereas, between 2012 and 2015, the International Committee of the Red Cross (ICRC) organised a major consultation process on how to strengthen legal protection for victims of armed conflict and how to enhance the effectiveness of mechanisms of compliance with IHL;
- N. whereas the participating states in the 32nd International Conference of the Red Cross and Red Crescent held in December 2015 agreed on launching a new intergovernmental process to find ways to enhance the implementation of IHL with the aim of having the outcome presented at the next International Conference in 2019;
- O. whereas the EU humanitarian aid chapter, which amounted to EUR 909 million in 2015, represents less than 1 % of the total EU budget; whereas an improved linkage between relief and long-term assistance would be one means of reducing the current discrepancy between the extraordinary humanitarian needs and the resources available;

1. Expresses its shock and grave concern at the deadly attacks against hospitals and schools that are occurring at an increasingly alarming rate in armed conflicts around the world, with patients, students, medical and teaching staff, humanitarian aid workers, children and family members becoming targets and victims; expresses its opinion that international condemnations must be followed by independent investigations and genuine accountability; calls for the EU and UN member states, the EU institutions and the Vice-President / High Representative to recognise the true extent of this emergency, and use all the instruments at their disposal;
2. Condemns attacks on hospitals and schools, as prohibited under international law, recognising that such acts may constitute grave breaches of the Geneva Conventions of 1949, and war crimes under the Rome Statute of the ICC; expresses its conviction that the preservation of health and educational facilities as neutral, protected spaces during armed conflict situations must be ensured by means of transparent, independent and impartial investigations into the brutal attacks that have occurred and by achieving genuine accountability for the crimes committed by all the parties involved;
3. Stresses that the right to health is a human right, and calls for the parties involved in an armed conflict to guarantee the availability, accessibility, acceptability and quality of medical services during armed conflicts;
4. Acknowledges the role of families in protecting and taking care of the most vulnerable people, especially children and women, and recognises the importance of establishing a partnership with families in efforts to maximise the relevance and efficiency of humanitarian assistance;
5. Encourages the EU its Member States to support the UN Secretary-General's call for all UN member states to seize the opportunity of the World Humanitarian Summit (WHS) to re-commit to protecting civilians and the human rights of all by respecting the rules that they have already agreed upon; emphasises the importance attributed by the UN Secretary-General to the strengthening of international investigative and judicial systems, including the ICC, to complement national frameworks, in order to bring an end to impunity for IHL violations;
6. Calls for the WHS to commit to a systematic results-based and participatory approach by establishing specific indicators and a work methodology, to be reinforced and shared by donors and implementing agencies, and to work towards the institutionalisation, better monitoring and evaluation of the UN Accountability to Affected Populations framework;
7. Underlines the fact that addressing new and chronic disasters and vulnerabilities requires avoidance of parallel systems, a broadening of the funding base, long-term predictable investments, and compliance with the new sustainable development agenda, notably by promoting a joint approach by humanitarian and development actors to risk and needs assessment, planning and financing; stresses that increased complementarity between humanitarian and development aid is needed to address the issues of effectiveness and the humanitarian financing gaps, and should go hand in hand with increased development aid and humanitarian funding; recalls in this context the longstanding international commitment to reaching the target of 0.7 % of GNI;

8. Acknowledges the importance and unique character of the EU Guidelines on promoting compliance with international humanitarian law, as no other states or organisations have adopted an equivalent document; calls on the Member States to effectively implement the EU Guidelines;
9. Calls on the Foreign Affairs Council and the Vice-President / High Representative to ensure that EU policies and actions relating to IHL are developed in a coherent and effective way and that the implementation of the IHL Guidelines falls primarily within the remit of the Council Working Group on Public International Law, chaired by the Council Presidency; emphasises, in this context, that the EU Guidelines commit the 'appropriate Council working groups' to monitoring situations where IHL may apply and, in such cases, to recommending action to promote compliance with IHL (paragraph 15(a));
10. Recalls the position taken in the EU Guidelines that consideration will be given, where appropriate, to drawing on the services of the International Humanitarian Fact-Finding Commission (IHFFC), established under Additional Protocol I to the Geneva Conventions of 1949, which can assist in promoting respect for IHL through its fact-finding capacity and its good offices function; notes that the services of the IHFFC have not been used and calls on the parties involved to consider its activation;
11. Calls for enhanced institutional space for the international community to address common concerns relating to IHL implementation and strengthened political dialogue aimed at enhancing conflict prevention and bringing an end to armed conflicts around the world as soon as possible; calls for the EU and its Member States to work towards achieving a better result in the forthcoming intergovernmental process in order to find ways of enhancing the implementation of IHL, as agreed at the 32nd International Conference of the Red Cross and Red Crescent in December 2015;
12. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the UN Secretary-General, the President of the UN General Assembly and the governments of the UN member states.