



WORKING PARTY ON PUBLIC INTERNATIONAL LAW (COJUR)

Report on the EU guidelines on promoting
compliance with international humanitarian law

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1. INTRODUCTION

International humanitarian law (IHL) is a set of rules that seek to limit the effects of armed conflict by protecting the most vulnerable categories of person, namely those who are not or are no longer taking part in conflict, and by regulating the means and methods of warfare. It is therefore of the utmost importance to ensure that the rules and principles of IHL are fully respected and complied with. Although these rules and principles are universally accepted, the European Union (EU) continues to express serious concern about the growing number of deliberate violations of IHL. Better respect for IHL is an indispensable prerequisite for minimising negative humanitarian consequences and thereby improving the situation of people affected by armed conflicts.

The EU is strongly committed to promoting respect for IHL as part of its wider commitment, laid down in its founding Treaties¹, to advance respect for human dignity and for the principles of international law. The EU has underlined that international law, including IHL, is one of the strongest tools the international community has for ensuring the protection and dignity of all persons. The commitment to promoting IHL was expressly stated in the European Union's Global Strategy of 2016².

Promoting respect for IHL engages the responsibilities of different EU institutions and bodies – the Council, the High Representative, supported by the European External Action Service (EEAS), the European Commission and the European Parliament – as well as Member States. It involves the exercise of the EU's powers across different policy areas, notably common foreign and security policy (CFSP) (including common security and defence policy (CSDP)), development cooperation and humanitarian aid.

In order to support and reinforce the EU's role in this field, the European Union Guidelines on promoting compliance with international humanitarian law ('the Guidelines') were adopted by the Council in 2005, and updated in 2009³. They provide both an overview of the means of action at the disposal of the EU in its relations with third countries and guidance for understanding IHL rules and principles, particularly for those working within and with the EU itself. The EU is the only regional organisation that has adopted guidelines on promoting compliance with IHL. The Guidelines, whose adoption was widely welcomed, provide a visible and practical sign of the EU's commitment to IHL.

EXTRACT FROM THE GUIDELINES

I. PURPOSE

1. The purpose of these Guidelines is to set out operational tools for the European Union and its institutions and bodies to promote compliance with international humanitarian law (IHL). They underline the European Union's commitment to promote such compliance in a visible and consistent manner. The Guidelines are addressed to all those taking action within the framework of the European Union to the extent that the matters raised fall within their areas of responsibility and competence. They are complementary to Guidelines and other Common Positions already adopted within the EU in relation to matters such as human rights, torture and the protection of civilians.
2. These Guidelines are in line with the commitment of the EU and its Member States to IHL, and aim to address compliance with IHL by third States, and, as appropriate, non-State actors operating in third States. Whilst the same commitment extends to measures taken by the EU and its Member States to ensure compliance with IHL in their own conduct, including by their own forces, such measures are not covered by these Guidelines.

¹ Article 21, Treaty on European Union.

² A Global Strategy for the European Union's Foreign and Security Policy, EEAS, June 2016, p. 42.

³ Annex I, Updated European Union Guidelines on promoting compliance with international humanitarian law (IHL), 2009/C303/06.

The EU aims to improve the coherence, complementarity and coordination between its various policies and actions in promoting and ensuring respect for IHL in all circumstances. Under the Guidelines, the Council Working Party on Public International Law (COJUR) is the body charged with monitoring action in this area and making suggestions for future action to relevant EU bodies where appropriate and feasible. In order to give more visibility to the wide range of measures the EU has undertaken in support of IHL and to facilitate the Council's assessment of the work carried out by the EU in this field, in 2018 COJUR issued the first annual report on the implementation of the European Union Guidelines on promoting compliance with international humanitarian law⁴, covering the period from 1 July 2016 to 30 June 2017. The second annual report⁵ was issued in 2019 and covered the period from 1 July 2017 to 31 December 2018. These reports are available on the website of the Council (in both English and French), and elsewhere including on the website of the International Committee of the Red Cross (ICRC). It should also be emphasised that the EU was active in the promotion of respect for IHL before the established reporting period.

This third annual report covers the period from 1 January 2019 to 31 December 2019. While COJUR remains responsible for the preparation and content of the report, the report has again greatly benefited from contributions from the Commission services, the EEAS and the European Parliament in relation to matters within their own areas of responsibility. Since it is a public report, it does not cover all activities falling within the scope of the Guidelines since some of these are, due to their nature and subject, sensitive or confidential. Moreover, the report does not seek to be exhaustive or to duplicate material that is already available in other publications⁶. It seeks rather to give a concise, coherent and factual overview of the main areas of the EU activity as covered in the 2009 Guidelines.

As set out in the report, the EU has continued to be very active in the implementation of the Guidelines.

In the year of the 70th anniversary of the Geneva Conventions, the Council of the EU issued conclusions on humanitarian assistance and international humanitarian law (Annex III)⁷ in which the EU reaffirmed its strong support for the respect for and the promotion of IHL as operationalised in the EU Guidelines on promoting compliance with

international humanitarian law. The Council recalled the obligation to respect and ensure respect for IHL in all circumstances, and remained strongly committed to the fight against impunity for atrocity crimes. More specifically the EU strongly encouraged states to ensure adequate protection for victims and survivors of sexual and gender-based violence in armed conflicts and to investigate and prosecute the perpetrators of such crimes. In the same vein, the Council expressed the EU's and its Member States' commitment to continued discussions on respect for, implementation and further strengthening of IHL and humanitarian principles, in close cooperation with their respective National Red Cross Societies, and acknowledged the important role of the ICRC as a guardian and promoter of IHL.

In July 2019, a report on the status of implementation of the common pledges made at the 32nd session of the International Conference of the Red Cross and Red Crescent⁸ (Geneva, 2015) was issued. Furthermore, as a clear demonstration of their firm commitment to IHL and humanitarian principles, the EU and its Member States submitted a comprehensive set of eight pledges⁹ to the 33rd International Conference of the Red Cross and Red Crescent. These pledges cover a broad range of issues, from strengthening compliance with IHL and achieving universality of IHL, to supporting the International Criminal Court (ICC) and fighting against impunity. In addition, action-oriented voluntary commitments were made regarding the humanitarian impact of climate change and the digital transformation, as well as on the protection of humanitarian and medical personnel and specific groups in vulnerable situations. An open pledge on safeguarding and protecting cultural property was also included.

The EU has also continued to fund the work of the ICRC as one of the EU's most trusted humanitarian partners and a key player in upholding respect for IHL and humanitarian principles. Strengthening compliance with IHL is an important element taken into account when disbursing funds from the EU's humanitarian aid budget. For example, one of the priorities of the EU's ongoing co-chairmanship of the Good Humanitarian Donorship (GHD) initiative has been to focus on the donors' role in promoting and ensuring respect for IHL.

4 Report on the EU guidelines on promoting compliance with international humanitarian law – April 2018 <https://www.consilium.europa.eu/en/documents-publications/publications/ihl-report-eu-guidelines-april-2018/>

5 Report on the EU guidelines on promoting compliance with international humanitarian law – June 2019 <https://www.consilium.europa.eu/en/documents-publications/publications/ihl-report-eu-guidelines-2019/>

6 EU Annual Report on Human Rights and Democracy in the World 2019 (ST 8580/20).

7 Council Conclusions on humanitarian assistance and international humanitarian law – November 2019.

8 Report on the status of implementation of the common pledges made at the 32nd session of the International Conference of the Red Cross and Red Crescent – July 2019

9 <https://rcrcconference.org/about/pledges/>

The EU continued to be active as a member or as an observer in a range of international organisations and bodies and frequently expressed its views on matters of IHL. The EU also continued to support IHL-related projects. Among others, the EU continued to support Geneva Call in building globally the humanitarian community's capacity to negotiate access to war zones with non-state armed groups and to promote their compliance with IHL in armed conflict, in line with the Council conclusions stating that the EU and its Member States will strengthen their efforts to disseminate IHL inside and outside the EU, in particular to armed forces and armed non-state actors. The EU also supported various organisations in a number of contexts on the promotion of respect for IHL, including in Ukraine, Iraq, Syria, Yemen, the DRC and Libya.

These actions by the EU and its Member States highlight that IHL is as relevant today as ever and emphasise the importance of efforts aimed at achieving more effective implementation and dissemination of IHL, demonstrating the benefits of IHL for all parties to an armed conflict and protecting all victims of armed conflicts.

2. STATEMENTS

Being active at international level, the EU regularly issues public statements on the need to ensure respect for and compliance with international humanitarian law, either in relation to specific situations or conflicts or more generally.

EXTRACT FROM THE GUIDELINES

Paragraph 16(b):

General public statements: In public statements on issues related to IHL, the EU should, whenever appropriate, emphasise the need to ensure compliance with IHL.

STATEMENTS AND CONCLUSIONS

At the level of Heads of State and Government, the **European Council** may refer to compliance with IHL in the public conclusions that it issues at the end of its meetings. For example, in the European Council conclusions of October 2019 the EU condemned Turkey's unilateral military action in northeast Syria and urged Turkey to end its military action, withdraw its forces and respect international humanitarian law.

At the level of Foreign Ministers, the **Foreign Affairs Council**, as the policy-making body on foreign policy, frequently issues conclusions in relation to particular conflicts and crises around the world and advocates respect for IHL. For example, on 9 December 2019 the Council issued conclusions on the humanitarian situation in Sudan that underlined the vital importance that all Sudanese stakeholders respect international obligations, in particular humanitarian principles and IHL, to ensure safe and unhindered humanitarian access throughout Sudan. On the occasion of the 70th anniversary of the Geneva Conventions, the Council also issued conclusions on humanitarian assistance and international humanitarian law in which it reaffirmed its strong support for and promotion of IHL and recalled the obligation to respect and ensure respect for IHL in all circumstances.

Between Council meetings, the **High Representative** frequently issues statements on behalf of the EU or on his/her own responsibility - often in immediate response to particular events - calling on parties to respect IHL and condemning any violations. Throughout 2019, for example, several statements from the High Representative recalled

the EU's long-standing position on Israel's settlement policy, illegal under international law, and have called for the Israeli authorities to fully meet their obligations as an occupying power under IHL. Several statements were also issued in relation to the situation in Iraq, Syria and Yemen, calling on the parties to respect IHL, in particular with regard to the protection of civilians.

Similarly, members of the **Commission**, in particular the Commissioner for Humanitarian Aid and Crisis Management, issue statements relating to IHL. These concern for example particular humanitarian crises, such as Syria, or recall the EU's commitment to IHL and the protection of humanitarian workers on the occasion of World Humanitarian Day.

A list of such conclusions, statements and declarations made during the reporting period is set out in **Annex II** (Section A). Collectively they represent continuous, high-level and public engagement by the EU as an international actor, responding to events and crises and reinforcing the need to ensure respect for IHL.

During the reporting period, the **European Parliament** has actively addressed the issue of accountability and respect for IHL, adopting a number of resolutions on the matter, which are also set out in **Annex II** (Section A). For example, in the European Parliament's non-legislative resolution on the Afghanistan Cooperation Agreement on Partnership and Development, the Parliament urged all parties to respect their obligations under international human rights law and IHL, to prevent attacks against civilians and civilian infrastructure. Another example is the resolution on the way forward for the MENA region, which strongly condemned all atrocities committed in Syria and

in particular the widespread violations of human rights and IHL. It also stressed the importance of accountability and zero tolerance or impunity for the horrific crimes committed there, by reiterating its call for independent, impartial, thorough and credible investigations and prosecutions of those responsible. The resolution of 24 October 2019 on the Turkish military operation in northeast Syria demanded full respect for humanitarian law, including the protection of civilians, and for local and international humanitarian organisations to be permitted unhindered access to the people in need.

In addition, the subcommittee on human rights has organised a number of exchanges of views on country-specific situations, jointly with the Committee on Development (DEVE), related to IHL. On 11 November 2019, for example, an exchange of views was held on the northeast Syria situation, where the respect for international human rights law and IHL were prominently addressed. The DEVE Committee has also organised a number of activities dealing with the provision of humanitarian assistance and the need to ensure respect for IHL in conflict zones. Some examples include the public hearing on 'The Future of the EU's Humanitarian Aid', on 27 February, attended by the Commissioner for Humanitarian Aid, UN Office for the Coordination of Humanitarian Affairs (OCHA), ICRC, International Federation of Red Cross and Red Crescent Societies (IFRC) and NGO representatives, as well as a debate on the humanitarian situation in northeast Nigeria in December 2019, in which IHL violations were central.

POSITIONS IN INTERNATIONAL BODIES

The EU is active as a **member or observer in a range of international organisations and bodies and in this capacity frequently intervenes on matters of IHL**. A list of interventions made on behalf of the EU during the report period is set out in **Annex II** (Section A).

A key illustration of this is the work done in **New York**, in relation to the resolutions of the UN General Assembly (UNGA) as well as of the Third Committee and of the UN Economic and Social Council (ECOSOC), where the EU Delegation delivers the EU position and coordinates many of the positions of the EU Member States. The EU also facilitates one of the key annual humanitarian resolutions on behalf of the EU and its Member States which is adopted by the UNGA ('Safety and Security of humanitarian personnel and protection of UN personnel'). As agreed every year at the Foreign Affairs Council, the humanitarian priorities of the EU include the promotion of humanitarian principles and IHL. These priorities are put forward during negotiations on the resolutions. At the annual humanitarian debate in the UNGA in December, the EU Delegation delivers a statement on behalf of the EU and its Member States which always includes strong language on IHL. The EU also participates in the open debates of the UN Security Council, such as the one on the protection of civilians and medical care in

armed conflict, where its statement also underlines the EU's commitment to IHL.

Furthermore, the EU Delegation systematically plays an active part in a number of additional ad hoc meetings related to humanitarian affairs that regularly take place in New York:

- A series of high-level humanitarian side events are organised in the margins of the opening of each UN General Assembly, during the so-called 'Ministerial Week' in September, with the EU typically organising at least one major event. During the reporting period, the EU organised in September 2019, together with Belgium, the UNGA 74 high-level side event on 'UN counter-terrorism frameworks and sanctions regimes – safeguarding humanitarian space'. The event aimed to explore how to ensure compatibility between counter-terrorism measures, sanctions and principled humanitarian action respecting international law, in particular IHL, international human rights law and international refugee law. Other relevant activities organised and hosted by the EU Delegation were the high-level side event on Syria (political and humanitarian situation), as a follow-up to the 2019 Third Brussels Conference on 'Supporting the Future of Syria and the Region' and building on established practice of the last five years, and the OECD High-Level Round Table on Ending Sexual Exploitation, Abuse and Harassment in Development Cooperation and Humanitarian Assistance 'International Standards for Prevention and Response' co-hosted together with Sweden. The EU also co-sponsored other relevant events addressing gender-based violence in DRC and South Sudan, child rights and children in conflict, and Myanmar.
- Each year the Humanitarian Affairs Segment (HAS) of the ECOSOC (which alternates between New York and Geneva) brings together the humanitarian community at the level of senior officials across numerous events over three days to discuss the latest policy and technical developments. The EU is traditionally very active during the HAS.
- Arria-formula and open debates - organised over the reporting period by UN Security Council members in accordance with their respective agendas and priorities - included relevant topics such as protection of civilians, the humanitarian crisis in Cameroon, mitigating the threat of unexploded ordnance, and the role of the UN Security Council and its members in responding effectively to the needs of refugees, displaced persons and returnees.
- The Humanitarian Liaison Working Group (HLWG), a platform of key states and humanitarian actors that offers the space for discussions and analyses of major contemporary humanitarian challenges, regularly meets in New York (every two to three weeks) to discuss the current main crises and humanitarian issues.

- Ad hoc humanitarian briefings are regularly organised in New York by the OCHA and other agencies, funds or programmes, individual countries, NGOs and academic bodies, and the EU usually takes part in these.
- A high-level event in New York among like-minded parties to discuss the impact of global counter-terrorism measures and existing sanction regimes on the provision of principled humanitarian aid, where the EU expressed its commitment to IHL.

In all these contexts, the EU is a firm advocate of respect for IHL and promotion of IHL. Additionally, in autumn 2019 the EU Delegation hosted the second workshop on humanitarian affairs in IHL and basic principles on humanitarian action, which included presentations by the ICRC, UNHCR and OCHA representatives/lawyers. This strongly welcomed initiative was launched by the EU Delegation in 2018 with a view to sharing information with EU Member States' colleagues dealing with the subject.

During the 74th session of the UN General Assembly, the EU Delegation delivered numerous statements either within the First, Third, Fourth and Sixth Committee or in plenary referring to IHL.

The EU is also very active in **Geneva**, the multilateral hub for humanitarian affairs as well as for addressing issues of compliance with IHL.

Throughout 2019 the EU co-chaired the GHD initiative together with Switzerland. GHD is an informal donor forum of 42 members committed to providing effective and accountable humanitarian assistance. The overarching theme of the co-chairmanship is to look at the donors' role in promoting principled and effective humanitarian action and preserving the humanitarian space in an increasingly challenging context. Within this framework, one of the priorities is to focus on the donors' role in ensuring respect for IHL, including by looking at concrete actions that donors can take in order to promote IHL and to react effectively to IHL violations. This theme was high on the GHD agenda throughout the year, with several meetings devoted to this theme, including a high-level exchange of views with the President of the ICRC. The GHD explored IHL challenges and donors' practices in different contexts, notably Iraq, Ukraine, South Sudan and Nigeria.

Also in the framework of the ICRC Donor Support Group (DSG), chaired by the EU until June 2019, discussions focused on how humanitarian donors can in practice help promote and preserve IHL and humanitarian principles in a counter-terrorism environment.

After the deadlock in the intergovernmental process on strengthening IHL compliance at the end of 2018, a process which aimed at creating a 'safe space' for states to regularly discuss thematic issues and to share experiences and best practice, and the presentation of a factual report on the

negotiations in March 2019, the EU and its Member States continued to reach out to key actors in Geneva as part of an exploratory exercise endorsed by COJUR, in order to identify promising alternative ways to strengthen respect for IHL in a cross-regional and inclusive approach.

The Humanitarian Affairs Segment (HAS) of the ECOSOC was held in June 2019 in Geneva. In addition to the general debate and the adoption of the annual humanitarian resolution, the HAS featured one high-level panel and several side events on IHL, reinforcing the continued relevance of the Geneva Conventions since their adoption 70 years ago. In several interventions, the EU underlined its strong commitment to the Geneva Conventions and recalled its sustained support for the promotion of respect for IHL, including its advocacy on the protection of medical workers and healthcare facilities – referring to its important facilitator role on the annual UNGA resolutions on the safety and security of UN and humanitarian workers – and the need for concrete steps to operationalise UNSC Resolution 2286. The EU pledged to continue advocating for the protection of civilians and humanitarian access, including humanitarian workers and medical missions. In this regard, the EU announced the launch of a joint initiative to better collect and analyse data on attacks against medical workers in armed conflicts.

In an attempt to help facilitate a more systematic and coordinated approach to the protection of healthcare in armed conflict, in 2019 the EU took the initiative to start developing a collective platform called 'Protect Medics – Save Lives' to collect and analyse data, cross-check evidence, produce regular analytical reports, undertake public awareness-raising activities, and support capacity building for medical workers in conflict. Throughout the year, discussions with like-minded states and relevant stakeholders sharing the same ambitions and principles to promote and ensure respect for IHL helped to identify gaps, make connections and create synergies with other initiatives in line with the objectives of UNSC Resolution 2286 on the Protection of Medical Personnel and Facilities in Conflict Situations.

In the lead up to and throughout the 33rd Conference of the Red Cross and Red Crescent Movement in December 2019, IHL was prominently featured. The Conference served as a key forum for discussing, debating and shaping IHL. The IHL resolution that was adopted constitutes a roadmap for better implementation of IHL, reaffirming the Movement and states' commitment to IHL and its full application and implementation especially at national level. During the negotiation of that resolution there was strong EU coordination in support of maintaining EU unity and positioning in line with the 25 November 2019 Council conclusions on humanitarian assistance and IHL. The EU and EU Member States submitted eight joint pledges (*i.e. strengthening compliance, promotion, dissemination and implementation of IHL; the ICC and the fight against impunity; ratification of IHL instruments; protecting*

humanitarian and medical personnel; humanitarian impact of climate change; enhancing protection of specific groups in vulnerable situations in armed conflicts, disasters and other crises; safeguarding and protecting cultural property (open pledge) and digital transformation, its use and impact in the context of IHL-related activities). A joint statement on behalf of the EU and its Member States was delivered, largely reflecting the Council conclusions of 25 November 2019 on humanitarian assistance and IHL.

In the Human Rights Council (HRC), the EU has intervened on numerous occasions to condemn violations and abuses of human rights and humanitarian law. The EU has supported the inclusion of strong references to IHL in key HRC initiatives such as the resolutions on Syria, Yemen and Myanmar. These country-specific resolutions foresee the setup of special procedures (commission of inquiry, fact-finding mission, investigation) to respond to situations of serious violations of IHL and international human rights law through investigating/collecting evidence/monitoring/reporting to the HRC, including on violations of IHL. Moreover, the EU regularly promotes respect for IHL and accountability for violations during interactive dialogues with such special procedures and the UN High Commissioner for Human Rights, including in the context of the HRC.

Issues related to IHL compliance also featured prominently in the EU statements in the Geneva-based disarmament forums, notably in the Convention on Certain Conventional Weapons (CCW), its Protocols, the Group of Governmental Experts on Lethal Autonomous Weapons Systems, the Anti-Personnel Mine Ban Convention, the Convention on Cluster Munitions as well as the Arms Trade Treaty and the Conference on Disarmament. The EU statements to the UN

General Assembly First Committee, which are coordinated in Geneva, also provided an opportunity to highlight IHL issues.

On the health front, the EU is the main negotiator of the yearly Palestinian resolution/decision adopted at the World Health Assembly (under agenda item 'health conditions in the occupied Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan'). Addressing the technical and public health role of the World Health Organization, this decision notably refers to barriers to health access and attacks on health facilities which impact medical services.

The EU continues to support the mandate of the Group of Eminent Experts on Yemen (GEE), established by HRC resolution 36/31 in 2017, and in September 2019 the EU supported its renewal. In its intervention, the EU requested that the GEE investigate human rights and IHL violations by all parties to the conflict and report to the Council on its findings. In its general comment before the vote, the EU underlined the essential role of the GEE in documenting violations and promoting accountability. Now the resolution also clearly spells out a mandate for the GEE to look into abuses of IHL, not just abuses and violations of human rights.

STRASBOURG

The EU supports the work of the Council of Europe Committee of Legal Advisers on Public International Law (CAHDI) which always underlines the need to apply all relevant obligations under IHL in situations of armed conflict as well as international human rights law, including the European Convention on Human Rights (ECHR).

3. POLITICAL DIALOGUES AND DEMARCHES

As well as being a participant in international bodies, the EU has an extensive network of dialogues and contacts with third countries and other international actors and frequently uses these to promote respect for IHL and adherence to international legal instruments. Where necessary, its representatives may also deliver demarches in relation to particular situations.

EXTRACT FROM THE GUIDELINES

Paragraph 16(a):

Political dialogue: Where relevant the issue of compliance with IHL should be brought up in dialogues with third States. This is particularly important in the context of on-going armed conflicts where there have been reports of widespread IHL violations. However, the EU should also, in peace-time, call upon States that have not yet done so to adhere to, and fully implement, important IHL instruments, such as the 1977 Additional Protocols and the ICC Statute. Full implementation includes enactment of any necessary implementing legislation and training of relevant personnel in IHL.

Paragraph 16(c):

Demarches and/or public statements about specific conflicts: When violations of IHL are reported the EU should consider making demarches and issuing public statements, as appropriate, condemning such acts and demanding that the parties fulfil their obligations under IHL and undertake effective measures to prevent further violations.

While the content, or existence, of such dialogues may by their nature be confidential, the following examples demonstrate the range and scope of the EU's activities in this area.

In **Azerbaijan**, the EU Special Representative (EUSR) regularly meets with those displaced by the conflict. On the **Nagorno-Karabakh** conflict, the EUSR consistently raises EU concerns on the humanitarian impact of the conflict with all sides, in accordance with the EUSR mandate to contribute to the peaceful settlement of the conflict in accordance with the principles of international law. At the OSCE, the EU continues to voice support for the efforts of the ICRC to facilitate the exchange of information on missing persons.

In **Bosnia and Herzegovina**, the EU Delegation regularly monitors the implementation of remedies to IHL breaches, including war crimes processing (support for the implementation of the National War Crimes Strategy) and wartime sexual violence cases (e.g. societal and economic stigmatisation of victims, uneven victim status within entities, reparations, access to justice for victims and support to witnesses), the situation of refugees and displaced

persons (support for the Sarajevo Process and the Regional Housing Programme), missing persons (cooperation with the International Commission on Missing Persons and the ICRC), and the bilateral immunity agreement of Bosnia and Herzegovina and the United States on ICC decisions (contrary to the EU position).

Contacts take place at ministerial/agency technical level in the framework of the Subcommittee on Justice, Freedom and Security under the EU-Bosnia and Herzegovina Stabilisation and Association (SA) Agreement, as well as at political level under the SA Committee and SA Council. Political dialogue is complementary to the abovementioned initiatives, aiming at tackling highly sensitive political issues in relation to the rule of law. The EU Delegation and EUSR have observer status in the supervisory body of the National War Crimes Strategy.

IHL-related issues are explicitly mentioned in the 2019 recommendation for Bosnia and Herzegovina of the UN Universal Periodical Review (UPR), as was already the case in the 2014 recommendation. These issues are also included in the annual Commission reports, e.g. the May 2019 Commission Opinion and analytical report on the

membership application of Bosnia and Herzegovina (chapter 23: obligations related to Council of Europe conventions, and cooperation with International Criminal Tribunal for the former Yugoslavia (ICTY)/International Residual Mechanism for Criminal Tribunals (IRMCT); chapter 31: conflict prevention and non-proliferation, ICC).

In relation to **Ukraine**, the EU continued to raise IHL-related issues in various formats, including in the annual Human Rights Dialogue and through the ICRC and NGOs. The EU also reflected on IHL activities in Ukraine and the roles of donors in the GHD group. In addition, the humanitarian situation in eastern Ukraine, including respect for IHL (protection of civilians and conduct of hostilities), is regularly discussed at various levels during the EU's bilateral political dialogue with Ukraine and mentioned in joint public expressions (summit statement, Association Council press release). IHL-related issues are also regularly discussed in the relevant negotiating formats (Normandy, Trilateral Contact Group) aimed at achieving the complete implementation of the Minsk agreements.

The EU continues to be the biggest contributor to the OSCE Special Monitoring Mission to Ukraine (SMM), which plays an important role in monitoring the situation on the ground, mediating small local disputes and facilitating operations that improve the lives of local people (mine clearance agreements).

In relation to **Russia**, the EU Delegation in Moscow raised concerns about the situation in Crimea and the situation of Ukrainian prisoners with Russian interlocutors at all levels on a continuous basis. The EU Delegation also coordinated monitoring activities of a number of trials involving illegally detained Ukrainian citizens in Russia.

As for the **occupied Palestinian territory (oPt)** and **Israel**, while the EU has continued to raise human rights issues and humanitarian concerns with Israel in bilateral meetings, Israel has not agreed to have a formal dialogue with the EU on human rights in the oPt since March 2016, when the subcommittee on political dialogue and cooperation convened for the last time. Demarches on behalf of the EU to the Israeli authorities have also been promoted.

The EU continued to engage in human rights and democracy discussions with the Palestinian Authority (PA). In this regard, the EU continued its structured dialogue with the PA on human rights issues through European Neighbourhood Policy (ENP) mechanisms, including the EU-Palestine Liberation Organization (PLO) Joint Committee meeting in November, preceded by the meeting of the subcommittee on human rights, good governance and rule of law in October.

The mandate of the EUSR on the **Middle East Peace Process** includes engaging constructively with signatories to agreements within the framework of the peace process in order to promote compliance with the basic norms of democracy, including respect for IHL, human rights and the rule of law. Throughout the reporting period, the EUSR engaged with a range of both Israeli and Palestinian interlocutors, in line with established EU policies and positions on the Middle East Peace Process, including on the issues of settlements, protection of civilians, and humanitarian access, in order to promote compliance with IHL by all states and non-state actors in the area. The EUSR also engaged regularly with Israeli and Palestinian civil society actors involved in the promotion of IHL in the context of the Middle East Peace Process.

The EU continued its diplomatic engagement on the crisis in **Yemen** on the international front. During the reporting period, the Head of the EU Delegation met with both sides to the conflict and conveyed common humanitarian messages agreed by Member States at the relevant Council working party. This engagement also took place outside Yemen, in contacts with regional stakeholders and in international forums: the annual Geneva Pledging Conference held in Geneva¹⁰; the E4 Dialogue with Iran¹¹; and at regular meetings of the UN Security Council.

In **Iraq**, outreach to the Iraqi Prime Minister and the Minister of Interior was done through local EU embassies, in coordination with the local UN mission (UNAMI), in a joint call for respect for fundamental rights, restraint of force and protection of peaceful demonstrators and human rights activists, ensuring accountability and support efforts for national dialogue.

In 2019, faced with a deteriorating humanitarian situation in **Nigeria**, the EU actively supported humanitarian organisations working in the northeast, to ensure they are able to continue to perform their activities without unnecessary restrictions and with respect for the principles of neutrality and independence.

In line with the policy objectives of his mandate, the EUSR for the **Sahel** contributed to the implementation of the EU's human rights policy in the region. In particular, he engaged with relevant stakeholders (especially governments and the G5 Sahel Joint Force) to promote respect for human rights and IHL. The EUSR maintained close contacts with the UN Office of the High Commissioner for Human Rights and human rights defenders and observers in the region. EU support for the operationalisation of the non-military components of the G5 Joint Force - like its police component - continued, as did implementation of the compliance framework for human rights and IHL. The EUSR was involved from the start of the partnership between

¹⁰ https://eeas.europa.eu/delegations/djibouti/58946/addressing-humanitarian-crisis-yemen_en

¹¹ https://eeas.europa.eu/delegations/yemen/59807/eue4-hold-political-consultations-regional-issues-iran_en

the EU and the G5 Sahel to underline the importance of protection of human rights and of the judicialisation of the Force's operations, crucial also for strengthening the effectiveness of the Force and building trust between the population and the security and defence forces.

On 28 February 2019, the Council of the EU appointed the new **EU Special Representative for Human Rights** (EUSR for Human Rights), with a widened mandate also encompassing the promotion of 'compliance with IHL' as well as 'promoting support for international criminal justice'¹². The expansion of the EUSR's mandate aims to reinforce the EU's global advocacy efforts in support of IHL and its implementation on the ground.

In the course of his first months in office in 2019, the EUSR for Human Rights established relations with IHL and international criminal justice actors in The Hague. During his visits, he engaged with international organisations based in The Hague that focus on issues related to IHL and international criminal justice in order to gain a deeper appreciation of how the EUSR for Human Rights can work with such actors to fulfil the expanded mandate.

Throughout 2019, the EUSR for Human Rights raised humanitarian law issues of concern in dialogues with third countries and during his visits to third countries. While visiting Ethiopia in May 2019, the situation of internally displaced persons was one of the key issues the EUSR for Human Rights discussed with his high-level interlocutors such as the Prime Minister and the President.

The EUSR for Human Rights has also repeatedly pushed for the improvement of the situation of Rohingya people, including during his June visit to the Rohingya refugee camps in Cox's Bazar, Bangladesh, directly with Myanmar's authorities, or at the EU-ASEAN Human Rights Dialogue in November.

The EU has also concluded a series of **agreements with third countries** in various fields in which it reaffirms the importance of IHL and undertakes to cooperate with these countries in accordance with its principles. For example, the EU and its Member States signed in 2018 a Strategic Partnership Agreement with Japan that foresees in Article 8(1) that 'The Parties shall work together at bilateral, regional and international level to prevent and combat acts of terrorism in all its forms and manifestations in accordance with applicable international law, including international counter-terrorism related agreements, international humanitarian law and international human rights law, as applicable to the Parties, and the principles of the Charter of the United Nations'. No new agreements of this kind were signed or concluded by the EU in 2019.

12 Council Decision 2019/346 of 28 February 2019.

4. COOPERATION WITH INTERNATIONAL ORGANISATIONS & OTHER ACTORS

EXTRACT FROM THE GUIDELINES

Paragraph 16(e):

Cooperation with other international bodies: Where appropriate, the EU should cooperate with the UN and relevant regional organisations for the promotion of compliance with IHL. EU Member States should also, whenever appropriate, act towards that goal as members in other organisations, including the United Nations. The International Committee of the Red Cross (ICRC) has a treaty-based, recognised and long-established role as a neutral, independent humanitarian organisation, in promoting compliance with IHL.

As noted in Part I above, the EU frequently makes interventions on IHL in international bodies in which it is an observer or member. In addition, the EU cooperates with other international actors in promoting respect for IHL. This can include promoting a coordinated approach by the EU and its Member States in supporting diplomatic initiatives, concluding cooperation arrangements with international organisations and providing financial assistance.

SUPPORT FOR INTERNATIONAL DIPLOMATIC INITIATIVES TO STRENGTHEN SUPPORT FOR IHL

The EU supported and contributed to the 33rd International Conference of the Red Cross and Red Crescent held in Geneva in December 2019. During this unique event, bringing together states, the International Red Cross and Red Crescent Movement and other relevant actors in the humanitarian field, the EU and its Member States delivered a statement and presented a new set of pledges, which will contribute to the promotion and dissemination of IHL.

With respect to the situation in **Syria**, the EU organised senior official meetings in Geneva and Copenhagen where discussions about IHL were central. IHL was also discussed during the Brussels Conference organised by the EU and the UN in April 2019. During this event, several governments, the UN, the Red Cross and Red Crescent Movement, NGOs, local actors and civil societies were present.

The first humanitarian senior official meeting (SOM) on **Libya** took place in Rome in October 2019. It was co-chaired by the EU and Italy, and included all actors present in Libya working on humanitarian, emergency, development, and stability issues. The participants worked together to improve compliance with IHL, the effectiveness of the humanitarian coordination and response, and the implementation of the triple nexus. The SOM produced concrete proposals for improving access and joint advocacy, collective effectiveness and impact, and working targets for the nexus.

Humanitarian partners in **South Sudan** are facing serious security challenges as well as restrictions and bureaucratic obstacles from all parties to the conflict. The European Commission's humanitarian aid service has spearheaded efforts to have a much stronger coordination amongst donors at capital level. In June 2019, it initiated and signed up to the '*South Sudan humanitarian donor principles and actions*' paper, which reflects the collective view of 14 bilateral donors in support of the principled delivery of humanitarian assistance to the people of South Sudan. IHL is explicitly mentioned under the section on *Tackling violence and access impediments*: 'Support the efforts of mandated agencies, diplomatic missions, UN agencies, and the UN Mission in South Sudan to ensure that all parties to the conflict respect their obligations under international law, international humanitarian law, and human rights law, and to ensure that perpetrators are held accountable for their violations and face justice'.

The EU supported discussions on the humanitarian situation in **Afghanistan**. For example, in December 2019 it convened a working meeting in Kabul of the diplomatic community, humanitarian partners, and other donors, on 'Humanitarian needs and response in hard-to-reach, conflict-affected and non-government-controlled areas: how to strengthen principled humanitarian actions and IHL principles'.

COOPERATION WITH, AND SUPPORT FOR THE ICRC AND OTHER HUMANITARIAN ACTORS

The ICRC is one of the EU's most trusted humanitarian partners, often one of the few international actors present in the field and key in delivering the humanitarian response and in upholding respect for IHL and humanitarian principles. In 2019, the ICRC received EUR 125.8 million in funding from the EU's humanitarian aid budget.

Among other things, the EU also signed up to, together with the ICRC, a **Programmatic Partnership** pilot project that covers six countries in the **Middle East**. Protection is a main priority for the ICRC and DG ECHO. The ICRC puts a strong emphasis on efforts to prevent violation of IHL and other applicable norms, especially on protection of civilians (including missing persons and detainees) and humanitarian access.

The EU also supported the ICRC's **Health Care in Danger initiative**, which seeks to create a world where weapon bearers, political authorities and populations in countries affected by conflict and other emergencies respect the inviolability of healthcare at all times. In 2019 the EU's humanitarian aid budget supported the initiative in 11 contexts: Ukraine, Burkina Faso, Mexico-Guatemala-El Salvador-Honduras, Congo, Central African Republic, Cameroon, Libya, Nigeria, Myanmar, Afghanistan and Niger.

In **Kosovo**¹³, the EU Office and the EU Special Representative for Kosovo have been working in close cooperation with the ICRC on various issues and regularly participate to meetings organised by the ICRC-chaired Working Group on Missing Persons, in which Kosovo and Serbia have been cooperating since 2004. The EU Office/ EU Special Representative support the process, including through projects and political engagement on the ground.

Regarding work in **Bosnia and Herzegovina (BiH)** in 2019, the EU, through the International Commission on Missing Persons (ICMP) has supported activities in relation to the resolution of 'no-name' cases in mortuary facilities and corrective measures to address misidentifications that result from traditional methods of visual identification, including work with the prosecution office, as well as DNA matching

and identification of those missing. It also supported activities in relation to national ownership and sustainability of the process of search and identification of missing persons.

The EU works with several partners to provide humanitarian assistance in the **West Bank and Gaza**. Humanitarian partners include NGOs, international organisations, UN agencies, and specialised agencies of EU Member States. In total, the EU provided EUR 22.5 million in humanitarian funding for Palestine in 2019.

In 2019, the EU has continued supporting the **ICRC** in its unique role of urging all parties to the Syrian conflict to fulfil their obligations under IHL, refrain from targeting civilians and humanitarian workers and exercise restraint in order to protect essential facilities including but not limited to water supplies, health facilities, schools and camps for displaced people. The ICRC has promoted dialogue with all relevant stakeholders, namely through bilateral and confidential contacts with the Syrian regime and armed militias. Protection incidents have been monitored and documented and, where feasible, the ICRC has conducted information sessions on IHL and other applicable law for any weapon bearers, such as military and police personnel. In 2019, the EU continued to be an active member of the global initiative **Call to Action on Protection from Gender-Based Violence in Emergencies**. The Call to Action is a global initiative which aims to drive structural change in the humanitarian system to address gender-based violence (GBV), bringing together nearly 90 partners, including 16 EU Member States. The European Commission led the initiative from June 2017 to December 2018. During its [leadership](#), the EU welcomed 18 new members to the initiative, piloted the Call to Action in Nigeria and Democratic Republic of the Congo (implementing partner: UNFPA), organised 10 awareness-raising workshops through its field offices, as well as high-level events in Brussels, Geneva and New York. In 2019, with EU support, UNFPA (Gender-Based Violence Area of Responsibility) published a toolkit on developing context-specific Call to Action roadmaps as well as the first inter-agency minimum standards on GBV in emergency situations, which is a major deliverable of the Call to Action roadmap. The [EU's Call to Action 2019 progress report](#) highlights, amongst other things, that in 2019 it is estimated that the EU allocated EUR 26 million in humanitarian aid to prevent and respond to GBV under its protection and health programming. In 2020, the Call to Action will issue a new roadmap for 2021-2025.

In May 2019, Commissioner Stylianides represented the EU at an international conference on **sexual and gender-based violence in Oslo**, which was also attended by many EU Member States. At the conference, he reiterated the EU's commitment to preventing and responding to GBV and showcased EU actions in this field. The policy and

13 This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

political commitments made by the EU at this conference are reflected in the [EU's 2019 progress report for the Call to Action](#).

FINANCIAL ASSISTANCE

Violations of IHL heavily impact and hamper the EU's humanitarian investments towards meeting the needs of affected populations, while also imperilling the security of the EU's humanitarian partners. Strengthening compliance with IHL is thus a key concern for the EU as a reference humanitarian donor. Funding for humanitarian protection, namely addressing violence, coercion, deliberate deprivation and abuse for persons, groups and communities in the context of humanitarian crises, is in most cases considered an overarching priority in humanitarian implementation plans.

Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid states in its preamble:

Whereas civilian operations to protect the victims of fighting or of comparable exceptional circumstances are governed by international humanitarian law and should accordingly be considered part of humanitarian action;

The Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission (2008/C 25/01) on the European Consensus on Humanitarian Aid states in paragraph 16:

The EU will advocate strongly and consistently for the respect of International Law, including International Humanitarian Law, Human Rights Law and Refugee Law.

The EU also has at its disposal a range of thematic instruments for external cooperation and for channelling external aid. A number of these explicitly provide for the financing of activities to promote compliance with IHL.

In particular, the European Instrument for Democracy and Human Rights (EIDHR)¹⁴ aims to help establish democracy, the rule of law, and the protection of human rights and basic freedoms. According to Article 2(1)(a) of the Regulation establishing the instrument, the scope is to include:

- *strengthening the rule of law, promoting the independence of the judiciary and of the legislature, supporting and evaluating legal and institutional reforms and their implementation, and promoting access to justice, as well as supporting national human rights institutions;*

- *promoting and strengthening the International Criminal Court, ad hoc international criminal tribunals and the processes of transitional justice and truth and reconciliation mechanisms;*

According to Article 2(1)(c), it is also to include:

- *strengthening of the international framework for the protection of human rights, justice, gender equality, the rule of law and democracy, and for the promotion of international humanitarian law, in particular by:*

(i) providing support for international and regional instruments and bodies in the area of human rights, justice, the rule of law and democracy;

(ii) fostering cooperation of civil society with international and regional intergovernmental organisations, and supporting civil society activities, including capacity-building of non-governmental organisations, aimed at promoting and monitoring the implementation of international and regional instruments concerning human rights, justice, the rule of law and democracy;

(iii) training in and dissemination of information on international humanitarian law and support to its enforcement;

Equally, the Instrument contributing to Stability and Peace (IcSP)¹⁵ aims to help prevent and respond to crises, including in areas such as:

- *support for international criminal tribunals and ad hoc national tribunals, truth and reconciliation commissions, and mechanisms for the legal settlement of human rights claims and the assertion and adjudication of property rights, established in accordance with international standards in the fields of human rights and the rule of law; [...]*
- *support for measures to address, within the framework of Union cooperation policies and their objectives, the socio-economic impact on the civilian population of anti-personnel landmines, unexploded ordnance or explosive remnants of war. Activities financed under this Regulation may cover, inter alia, risk education, mine detection and clearance and, in conjunction therewith, stockpile destruction;*
- *support for measures to combat, within the framework of Union cooperation policies and their objectives, the illicit use of and access to firearms, small arms and light weapons; [...]*

¹⁴ Regulation (EU) No 235/2014 of the European Parliament and the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide (OJ L 77, 15.3.2014, p. 85–94).

¹⁵ Regulation (EU) No 230/2014 of the European Parliament and the Council of 11 March 2014 establishing an instrument contributing to stability and peace (OJ L 77, 15.3.2014, p. 1–10).

- *support for the rehabilitation and reintegration of the victims of armed conflict, including measures to address the specific needs of women and children;*¹⁶

In addition, a large proportion of EU-funded humanitarian actions, financed under Council Regulation (EC) No 1257/96¹⁷ concerning humanitarian aid, are implemented in countries affected by armed conflicts.

Article 1 of the Regulation states that:

The Community's humanitarian aid shall comprise assistance, relief and protection operations [...].

On 14 June 2018, the European Commission put forward a proposal for a Regulation of the European Parliament and of the Council establishing the Neighbourhood, Development and International Cooperation Instrument (NDICI)¹⁸ in the context of the Multiannual Financial Framework (MFF) 2021-2027. This Regulation would merge most of the EU's external financing instruments, including the EIDHR and the IcSP, into one instrument. The proposal is being discussed by the European Parliament and the Council in accordance with the legislative procedure. Humanitarian aid is not covered by the NDICI proposal and the intention is that it will continue to be funded on the basis of Regulation (EC) No 1257/96 concerning humanitarian aid.

The following paragraphs set out examples of the assistance provided under the above instruments to fund activities related to promoting compliance with IHL. In addition, Annex II Section B sets out under (i) examples of funding of international criminal tribunals and under (ii) specific projects funded under the IcSP.

- The EU's humanitarian aid budget supported **Geneva Call** (GC) at both country and regional level. DG ECHO's allocated budget for GC in 2019 was EUR 1 000 000. GC's actions focus on the mainstreaming of international humanitarian norms and their integration into the policies and practices of armed non-state actors (ANSAs) to protect civilians.
- In **Syria** the EU's humanitarian aid budget provided DanChurchAid, together with GC, with EUR 600 000 for a project entitled 'Protecting civilians from the effects of armed conflict in Syria'. The project aims to strengthen ANSAs' compliance with international humanitarian norms. It also contributes to the protection of civilians from the effects of the armed conflict in the northern, central and southern parts of Syria. The EU's humanitarian aid budget also supported a Norwegian Refugee Council (NRC) project with

the dedicated result of 'Policy and practice change enabling the effective and principled delivery of humanitarian aid', which seeks to strengthen advocacy and dissemination of IHL to duty bearers, with a particular focus on enhancing humanitarian access and humanitarian space. The EU's humanitarian aid budget also supported a UNICEF project with a dedicated result focusing on implementing the monitoring and reporting mechanism for grave child rights violations in Syria, including advocacy vis-à-vis duty bearers, perpetrators and influencers.

- The EU also funds from the IcSP a comprehensive portfolio of projects in Syria in the sector of justice and accountability (EUR 2.6 million between June 2019 and June 2020), including the ICMP and the International, Impartial and Independent Mechanism (IIIM, EUR 1.5 million between July 2018 and December 2019). This also includes support for the Office of the UN High Commissioner for Human Rights (OHCHR) and several NGOs active in this field.
- In **Iraq**, in 2019, the EU's humanitarian aid budget supported the UN OCHA with a total of EUR 500 000 for humanitarian coordination and advocacy. One of the activities is to ensure regular and effective operational coordination with national and sub-national authorities, state and non-state armed groups, civil society organisations, donors and development actors. The EU humanitarian aid budget also supports Norwegian People's Aid (NPA) with over EUR 1.2 million to assist in the improvement of the conditions for persons detained by the government of Iraq in the conflict with ISIL. Personal hygiene, health, psychological and general conditions, including essential sanitary and other basic structures, have been improved across 19 prisons. The EU humanitarian aid budget also supports GC in the continuation of its activities in Iraq that were funded in 2018, to raise awareness of IHL and humanitarian norms through direct engagement with ANSAs. As the non-international armed conflict with ISIL has drawn to an end, the EU's humanitarian aid budget has transitioned to supporting projects that support international human rights law (IHRL), in particular by providing access to documentation and working with persons in detention. The Iraq office has engaged in advocacy initiatives in relation to third-country nationals (primarily children of alleged ISIL combatants), including European citizens whose status has fallen into a legal and political vacuum.

¹⁶ Regulation (EU) No 230/2014, Article 3(2).

¹⁷ Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid, OJ L 163, 2.7.1996, p. 1–6.

¹⁸ COM(2018) 460 final of 14.6.2018.

- In **Palestine**, the EU works with several humanitarian partners to provide humanitarian assistance and promote respect for IHL in Gaza, the West Bank and East Jerusalem. Humanitarian partners include NGOs, international organisations, UN agencies, and the Red Cross and Red Crescent Movement. In total, the EU provided EUR 22.5 million in humanitarian funding for Palestine in 2019. Of that amount, EUR 16.5 million was allocated to partner organisations with an IHL advocacy component. The main actors recording IHL violations and promoting respect for IHL are the ICRC, NRC, OCHA, WHO and Action Against Hunger (ACF). The EU's humanitarian partners provide policy analyses, recommendations and updates related to recurrent violations of IHL and IHRL in Palestine. Evidence-based advocacy and communication products are also prepared to inform the European Parliament, the EU Member States and the general public about the humanitarian implications of non-compliance of the occupying power with its obligations under IHL and more specifically Geneva Convention IV.

- In **Libya** the EU's humanitarian aid budget supported a project of the Danish Refugee Council (DRC), which together with GC promoted a strengthened protection environment for conflict-affected populations. It included humanitarian dialogue with armed actors on international humanitarian norms, IHL and IHRL. It also worked towards increased socio-economic resilience for conflict-affected groups, and developed civil society capacities to promote IHL. GC organised training sessions on IHL for armed actors in Libya, and assisted them in aligning their policies and practices with international humanitarian standards.

- In **Chad** the EU's humanitarian aid budget supported OCHA to reinforce humanitarian coordination and advocacy. The results of this action included advocacy for humanitarian assistance, protection and access to assistance for populations affected by the crises. It also included the drafting and dissemination of specific civil-military guidelines between humanitarian actors and the Multinational Joint Task Force.

- In **Nigeria** the EU has worked on strengthening the protection of civilians through an IcSP-funded project with the NGO Civilian in Conflict, which provided capacity building assistance to the military on protection of civilians and civilian harm mitigation, mobilised local communities and promoted civil society advocacy engagement. Close to 1 500 military personnel have been trained on issues relating to protection of civilians and civilian harm mitigation, which are now part of the armed forces curricula as a result of this action. In addition, 31 local communities across northeast Nigeria have been mobilised and helped to engage with the military in order to express their security concerns, demand more responsive security provision and find collaborative ways of tackling sensitive issues such as the reintegration of

former Boko Haram fighters and associates. This action has also helped Nigerian civil society to collectively advocate for better protection of civilians by the military, including through a media campaign on gender in conflict.

- In **Burkina Faso** and **Cameroon** the EU's humanitarian aid budget also supported OCHA to reinforce humanitarian coordination and advocacy.

- **Afghanistan** experienced an unprecedented level of violence during the second half of 2019. IHL and protection work are some of the main objectives for EU agreements with the ICRC, GC, NRC, OCHA and WHO (with a combined budget of more than EUR 10 million). Advocacy on IHL and protection remain priorities in the 2019-2020 Humanitarian Implementation Plan for Afghanistan. IHL promotion activities and evidence-based and operation-based advocacy are crucial in this context. The EU has been working to increase the level of basic emergency humanitarian assistance to be provided by humanitarian actors to civilians in areas affected by conflict and outside the control of government forces. These activities are expected to open the way for IHL dissemination with non-state armed groups. The EU's humanitarian aid budget supported NRC with a total of EUR 3.35 million, including for IHL dissemination with non-state armed groups together with GC. In Afghanistan the EU's humanitarian aid budget also provided OCHA with EUR 3.2 million for civil/military coordination, support for humanitarian access, and IHL dissemination. It also supported the International Organization for Migration (IOM), ACF and DRC on protection and IHL dissemination elements as parts of cross-cutting actions.

- In **Myanmar/Burma** the EU's humanitarian aid budget supported NRC with EUR 1.05 million for a project which included IHL dissemination with non-state armed groups together with GC. In Myanmar/Burma the EU's humanitarian aid budget also supported OCHA, with EUR 600 000 for civil/military coordination, support for humanitarian access and IHL dissemination, and Relief International (RI), with EUR 1.4 million for IHL dissemination, protection, information dissemination and capacity building with civil society, military and non-state actors. It also supported UNHCR and the International Rescue Committee (IRC) on protection and IHL dissemination elements as parts of cross-cutting actions.

- In support of the government's peace roadmap in **the Philippines**, the EU has contributed to the monitoring of the human rights situation in the conflict-affected areas of Muslim Mindanao through the IcSP. EU work mainly concentrates on monitoring the two parties' (MILF/government) compliance with IHL and respect for human rights through the funding of the Civilian Protection Component (CPC) of the International Monitoring Team. The programme is conducting verification and protection missions in relation to

cases involving abuses and violence against civilians, and supports assistance for internally displaced persons (IDPs), women and children through linking of survivors to duty bearers and other respondents. The programme also aims to build confidence among vulnerable and usually excluded groups (women, youth, indigenous people and IDPs) to become more engaged in an inclusive dialogue to promote peace. The EU also contributes to capacity building for armed actors on human rights and IHL.

- In **Ukraine** the EU's humanitarian aid budget supported IHL dissemination and advocacy work by the ICRC and various NGOs. It specifically supported Save the Children, together with GC, on the promotion of IHL. The advocacy actions were aimed at the de-facto authorities in non-government-controlled areas and the military forces in government-controlled areas, and consisted of meetings and training events to raise awareness of IHL. The EU's humanitarian aid budget also supported advocacy efforts by Save the Children that led to Ukraine's endorsement of the Safe Schools Declaration (SSD) on 20 November 2019¹⁹. The SSD includes a commitment to implement the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict. The EU's humanitarian aid budget also funded the activities of the Danish Refugee Council's specific unit for humanitarian mine action. These activities include the provision of mine risk education and support to conduct technical surveys and targeted spot task clearance of areas contaminated with landmines and other explosive remnants of war, with the aim of opening up access routes to key civil infrastructure for civilians or for maintenance work.
- In 2019 the EU also continued to support, through the IcSP, initiatives on IHL on the ground in Ukraine, focused on de-mining, accompanying livelihood support measures and the protection of civilians. In 2019 a new series of actions in support of human rights was launched in the form of grants to civil society organisations following a new EIDHR call for proposals. These recent grants mobilised EUR 2 million of support for eight new projects covering issues ranging from fight against torture, access to justice, and support for human rights defenders to strengthening human rights protection in the non-government-controlled areas and in Crimea. The EU is also continuing its support for the activities of the UN Human Rights Monitoring Mission to Ukraine (HRMMU) with a grant of EUR 3 million, following similar support in past years. The work of the HRMMU is important with regard to

recording violations of international human rights and humanitarian law, both in government-controlled areas and in the non-government-controlled areas.

- Through its pre-accession instrument, the EU continued to finance a project implemented by the OSCE in **Serbia** on war crimes trial monitoring, which included a training component. In 2019 training on IHL was provided to a number of Serbian judges, prosecutors and judicial and prosecutorial assistants, as well as police officers and witness support and protection staff. Topics included accessing evidence and filing requests for assistance, case law and the findings of the ICTY regarding the beginning and end of armed conflict in relation to conflicts in the Balkans in the 1990s. Serbian legal practitioners also received training on the admissibility of evidence in the region and practice at the ICTY. The total EU contribution is EUR 500 000. More generally, Serbia's level of cooperation with the ICTY and its successor, the IRMCT, is included in the framework of the Stabilisation and Association Agreement, notably the Justice, Freedom and Security Subcommittee and the EU-Serbia Stabilisation and Association Council.
- In **Bosnia and Herzegovina**, between December 2016 and August 2019 the EU provided EUR 7 438 000 as a direct grant to the Ministry of Finance and Treasury to enhance the processing of war crime cases at all levels and reduce the backlog, in line with the National War Crime Strategy. An additional EUR 500 000 was granted to the OSCE to monitor the war crime trials and provide expert advice and assistance. Between October 2017 and August 2019 the EU also provided the ICMP with EUR 3 million to enable DNA-assisted identification and recovery of persons missing as a result of the armed conflict.
- Through the **ENTRi project (Europe's New Training Initiative for Civilian Crisis Management)**, the IcSP supported training for civilian experts in stabilisation missions, including a specific course targeting field officers working on human rights that was designed, inter alia, to deepen and refresh the participants' knowledge of IHL.

¹⁹ The Safe Schools Declaration is an inter-governmental commitment led by the governments of Argentina and Norway. It highlights the broad impact of armed conflict on education and outlines a set of commitments to strengthen the protection of education and ensure its continuity during armed conflict. The Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, developed between 2012 and 2014, propose a set of actions that parties to a conflict can take to reduce military use of schools and universities and to minimise the negative impact such use may have on students' safety and education.

5. RESTRICTIVE MEASURES

EXTRACT FROM THE GUIDELINES

Paragraph 16(d):

Restrictive measures/sanctions: The use of restrictive measures (sanctions) may be an effective means of promoting compliance with IHL. Such measures should therefore be considered against State and non-State parties to a conflict, as well as individuals, when they are appropriate and in accordance with international law.

Based on Chapter V of the TEU (Common Foreign and Security Policy) and Article 215 of the TFEU, the EU continued to apply restrictive measures (sanctions) during the reporting period (2019). It maintained in force 41 sanctions regimes during the reporting period. These consisted of 25 EU autonomous sanctions regimes, in addition to eight UN-based and eight ‘mixed’ sanctions regimes (UN basis + EU autonomous sanctions).

A number of these regimes were specifically aimed at preventing or responding to violations of IHL, including by targeting individuals engaged in such violations. More generally, by including measures such as arms embargoes in situations of armed conflict, restrictive measures seek to prevent or end the conditions in which violations of IHL can occur, limit the effects of armed conflict and restrict the means and methods of warfare. Examples of these restrictive measures are set out in Annex II Section C.²⁰

EU restrictive measures comply with international law, in particular international human rights law, international refugee law, and international humanitarian law. EU sanctions are targeted. As such, they are not meant to impact those who are not responsible for the policy or activity which the sanctions are meant to deter and constrain, especially the civilian population. The Council conclusions on humanitarian assistance and international humanitarian law adopted on 25 November 2019²¹ reiterate that ‘*any EU measures including designing and*

applying restrictive measures and all counter-terrorism measures, must be in accordance with all obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law’. Furthermore, any potential negative impact on humanitarian action should be avoided and domestic implementation of restrictive measures needs to be in line with international law. To that effect, EU legal instruments laying down financial restrictions, restrictions on admission (travel bans) and other restrictive measures may allow for the application of appropriate exemptions and/or derogations, such as the granting of authorisations to satisfy the basic needs of persons whose funds and economic resources are frozen and of their dependent family members, or ensuring the unimpeded delivery of humanitarian assistance.

In the relevant period, the EU continued to implement restrictive measures as a means to promote respect for IHL in particular, and human rights in general. For example:

- In January 2019²² the EU published a list of natural and legal persons subject to the EU sanctions regime against the proliferation and use of **chemical weapons**,²³ which in October 2019 was renewed until October 2020,²⁴

thereby further supporting the well-established position of the EU that the use of chemical weapons is contrary to international law and IHL.

²⁰ See also the EU Sanctions Map, <https://www.sanctionsmap.eu/#/main>.

²¹ Council conclusions on humanitarian assistance and international humanitarian law (Annex III).

²² Council Decision (CFSP) 2019/86 and Council Implementing Regulation (EU) 2019/84, OJ L 18 I, 21.1.2019.

²³ Council Decision (CFSP) 2018/1544 and Council Regulation (EU) 2018/1542, OJ L 259, 16.10.2018.

²⁴ Council Decision (CFSP) 2019/1722, OJ L 262, 15.10.2019, p. 66.

- In April 2019²⁵ the Council renewed the sanctions regime vis-à-vis **Myanmar/Burma** that had been initially strengthened in April 2018 in response to the Rohingya crisis and the widespread violations of human rights law

and international humanitarian law committed by the military and security forces of Myanmar/Burma.²⁶

25 Council Decision (CFSP) 2019/678 of 29 April 2019, OJ L 114, 30.4.2019, p. 18.

26 Council Decision (CFSP) 2018/655 and Council Regulation (EU) 2018/647, OJ L 108, 27.4.2018, pp.1 and 29.

6. ARMS EXPORTS AND ARMS CONTROLS

EXTRACT FROM THE GUIDELINES

Paragraph 16(i):

Export of arms: The Council Common Position 2008/944/CFSP defines common rules governing control of exports of military technology and equipment provides that an importing country's compliance with IHL should be considered before licences to export to that country are granted.

The EU continues to apply Council Common Position 2008/944/CFSP on the control of exports of military technology and equipment, which is referred to in the Guidelines.²⁷ Criterion Two in Article 2 of Common Position 2008/944/CFSP stipulates that:

Having assessed the recipient country's attitude towards relevant principles established by instruments of international humanitarian law, Member States shall:

(c) deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used in the commission of serious violations of international humanitarian law.

Under Council Decision (CFSP) 2018/101²⁸, a number of regional workshops, study visits and individual assistance events took place to strengthen export control systems in several countries neighbouring Europe. In addition, further regional outreach activities, tailored national assistance programmes and ad hoc individual assistance workshops were conducted under Council Decision (CFSP) 2017/915²⁹, supporting the effective implementation and universalisation of the Arms Trade Treaty.

In December 2019 the EU adopted the 21st annual report under Article 8(2) of Council Common Position 2008/944/CFSP, providing detailed data on arms export licenses granted and denied in 2018 and thereby contributing to transparency in the arms trade.

Furthermore, the Working Party on Dual-Use Goods continued its analysis of the European Commission's proposal of 28 September 2016 for a Regulation to recast the current Dual-Use Regulation³⁰ with the aim of modernising the EU export control regime and enhancing the IHL-related provisions. On 5 June 2019 the Council adopted a mandate for negotiations with the European Parliament on the proposal. The first trilogue negotiations with the European Parliament took place on 21 October 2019.

The EU actively supports the implementation and universalisation of non-proliferation, disarmament and arms control conventions and agreements that are inspired by, and often entirely based on, the application of IHL. These include the Nuclear Non-Proliferation Treaty, the Comprehensive Test Ban Treaty (CTBT), the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention, the Arms Trade Treaty, the Anti-Personnel Mine Ban Convention, the Convention on Certain Conventional Weapons (CCW), the UN Programme of Action against the illicit Trade in Small Arms and Light Weapons and the Convention on Cluster Munitions (CCM). Since 2004 the Council of the EU has committed EUR 178 million in support of the multilateral disarmament and arms control treaty framework.

In its statement on conventional weapons of 23 October 2019 in the UNGA First Committee, the EU supported efforts to universalise and strengthen the CCW and stressed

²⁷ OJ L 335, 13.12.2008

²⁸ OJ L 17/40, 23.1.2018

²⁹ OJ L 139, 30.5.2017

³⁰ Proposal for a Regulation of the European Parliament and the Council setting up a Union regime for the control of exports, transfer, brokering, technical assistance and transit of dual-use items (COM/2016/0616 - 2016/0295 (COD)).

the importance of compliance with all CCW provisions and annexed protocols, one of them being chaired by Finland and one by Poland. Furthermore, the EU strongly supported efforts to strengthen this important instrument of international law and international humanitarian law in order to reduce the humanitarian harm and minimise the risks and effects in particular of improvised explosive devices (IEDs) and explosive remnants of war (ERW).

On 21 January 2019 the Council adopted Decision (CFSP) 2019/97 in support of the Biological and Toxin Weapons Convention in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction.³¹

At the Organisation for the Prohibition of Chemical Weapons (OPCW) in The Hague, the EU condemned breaches of IHL by chemical weapon attacks.³²

In 2019 the EU considerably increased the level of its support for the activities of the OPCW through Council Decision (CFSP) 2019/538.³³

Other examples of statements on the use of chemical weapons in which the EU regularly emphasises the importance of strict application of IHL, which helps to prevent and reduce the suffering of both civilians and combatants, are provided in Annex II (Section A, ii, iii, vi).

A number of the EU restrictive measures referred to above also make provision for the imposition of arms embargoes, in particular in relation to situations of armed conflict. Furthermore, in order to support the prohibition of the use of chemical weapons laid down by the CWC, the EU extended³⁴ the Council Decision of 15 October 2018 concerning restrictive measures against the proliferation and use of **chemical weapons** (Council Decision (CFSP) 2018/1544).

31 OJ L 19, 22.1.2019, p. 11.

32 Statement of the European Union delivered by H.E. Ambassador Mika-Markus Leinonen, EU Liaison Officer to The Hague, at the 24th session of the Conference of States Parties to the CWC, The Hague, 25-29 November 2019.

33 Council Decision (CFSP) 2019/538 of 1 April 2019 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction.

34 Council Decision (CFSP) 2019/1722 of 14 October 2019 amending Decision (CFSP) 2018/1544 concerning restrictive measures against the proliferation and use of chemical weapons.

7. CRISIS MANAGEMENT OPERATIONS AND TRAINING

EXTRACT FROM THE GUIDELINES

Paragraph 16(f):

Crisis-management operations: The importance of preventing and suppressing violations of IHL by third parties should be considered, where appropriate, in the drafting of mandates of EU crisis-management operations. In appropriate cases, this may include collecting information which may be of use for the ICC or in other investigations of war crimes.

Paragraph 16(h):

Training: Training in IHL is necessary to ensure compliance with IHL in time of armed conflict. Training and education must also be undertaken in peacetime. This applies to the whole population, although special attention should be given to relevant groups such as law enforcement officials. Additional obligations apply to the training of military personnel. The EU should consider providing or funding training and education in IHL in third countries including within the framework of wider programmes to promote the rule of law.

The EU oversees 16 civilian and military crisis management missions and operations promoting peace and security in the context of the EU's Common Security and Defence Policy (CSDP). During the reporting period, the EU was conducting three non-executive military training missions in Africa and three military operations with an executive mandate, two of which were naval operations. Moreover, the EU was conducting ten civilian CSDP missions on three continents.

All CSDP missions and operations are guided by and promote compliance with IHL and IHRL, in line with the provisions of the Treaty on European Union. IHL is taken into account in the planning and conduct of missions and operations as appropriate, and reflected in mission mandates.

Operation **EUFOR ALTHEA** in Bosnia and Herzegovina, mandated by the UN Security Council to support the Dayton Peace Accord, has explicit references to IHL-related objectives in its operational planning documents.

Operation Atalanta is a maritime law enforcement operation, and while IHL is not applicable for its operations, Operation Atalanta includes elements on human rights and procedural safeguards for detainees in all its training activities.

EUNAVFOR MED (ENFM) Operation Sophia was committed to implementing EU Guidelines on IHL and integrated human rights and gender considerations into the operation through its operational planning documents³⁵. As regards education and training, human rights and gender issues form an important part of the initial internal training provided to headquarters staff. External training provided to the Libyan coast guard and navy incorporates modules covering these topics.

The military training missions in Somalia, Mali and the Central African Republic all included IHL in their training programmes for the national armed forces of the host country. The **EUTM RCA** training curriculum also included modules on prevention of sexual violence and sexual exploitation and abuse (SEA), child protection, children and armed conflict, and gender sensitivity.

EUTM Mali training covers international human rights protections and underscores the importance of a gender perspective in addition to IHL. In 2019 EUTM Mali developed a Training of Trainers (ToT) course for IHL instructors at the military academy, at the request of the Chef d'Etat-major Général des Armées (CEMGA). The new course provided the opportunity to adapt the training cycle and assess and promote greater systematisation of IHL training within the Malian armed forces. A two-week pilot course took place in August-September 2019 and was seen as a success.

³⁵ Council Decision (CFSP) 2020/471 of 31 March 2020 repealing Decision (CFSP) 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA), OJ L 101, 1.4.2020, p. 3.

EUTM Somalia continued to have IHL as part of the basic training courses delivered to the troops of the Somali National Army. The mission is currently reviewing the content of its IHL training and exploring the possibility of developing specific training on IHL under the ToT concept, with the aim of increasing the capabilities of the Somali National Army to conduct its own training.

During the reporting period the civilian EU Border Assistance Mission in Libya (**EUBAM Libya**) included IHL elements in the human rights training sessions it provided to Libyan justice actors and law enforcement and border management authorities. EUBAM Libya has also stated its support for the OHCHR and UNSMIL Human Rights Service to advocate for a commission of inquiry into violations of IHL and human rights.

The civilian EU Assistance Mission in Iraq (**EUAM Iraq**) continued to promote respect for IHL both indirectly, through its interaction with international partners, and directly, in its meetings with Iraqi government officials, for example at the Ministry of the Interior Directorate of Human Rights, the Female Training Institute, the Family Protection Directorate, and the Federal Intelligence and Investigative Agency (FIIA).

EUAM Iraq provided strategic advice to the Ministry of the Interior and the National Security Advisor's office on the overall reform of the civilian security sector. In carrying out its mandate in civilian security sector reform, EUAM Iraq provides expertise on a diverse range of reform components, in particular ensuring compliance by Iraq with international human rights standards and IHL.

EUAM Iraq advised on the drafting of the National Preventing/Countering Violent Extremism (P-CVE) Strategy, which was adopted in February 2019 by the National Security Council of Iraq and includes humanitarian law aspects, and will continue to support its implementation. EUAM Iraq is also advising the Iraqi Working Group on National Security Legislation on integrating humanitarian law considerations into the Working Group's recommendations on how to take forward security sector reform. In 2019 the mission prepared a civil society strategy underscoring interaction with civil society as a strategic priority in its engagement in security sector reform. The mission was in close contact with the Iraq High Commission for Human Rights (IHCHR) to monitor the development of the human rights situation in Iraq.

EULEX Kosovo is a civilian rule-of-law mission that monitors war crime cases and trials in the Kosovo criminal justice system. The mission also assists and advises Kosovo authorities on the development of independent rule of law institutions. In 2019 EULEX Kosovo delivered a series of training courses for the Kosovo Police War Crimes

Investigation Unit. The training courses, developed in close cooperation with the Kosovo Police, were aimed at assisting the War Crimes Investigation Unit in setting up a modern case-management system and in improving its capacities in case building, case administration and analysis of war crimes cases. In this context, the mission also assisted the Kosovo Police in developing a database which will enable trained war crimes investigators to organise large amounts of data, manage complex war crimes cases efficiently and prepare them for prosecution.

EUCAP Sahel Niger provides advice and training to support the Nigerien authorities in strengthening the capacities of Nigerien security actors. The mission included a session dedicated to IHL in the training courses it delivers to the Nigerien security forces. EUCAP Sahel Niger also promotes awareness of IHL in the two working groups it has set up that comprise representatives from both the Nigerien Ministry of Justice and the security forces.

EUMM Georgia is a civilian CSDP mission that has explicit references to IHL in its planning documents, including to monitor, document and analyse violations of human rights and international humanitarian law by conflict parties and inform EU or take appropriate follow-up actions³⁶. Monitors are trained in human rights and IHL in order to monitor and assess issues affecting the security of the conflict-affected population: 'borderisation' infrastructure along the administrative boundary line, freedom of movement, detentions, access to medical care and education.

EUMM Georgia raises IHL-related issues during the formal meetings with the parties to the conflict (Geneva International Discussions and Incident Prevention and Response Mechanism) and reports on possible violations in its regular reporting. In 2019 the mission delivered internal training on IHL to monitors, with a special focus on points of intersection between IHRL and IHL during conflict and post-conflict periods.

The Regional Advisory and Coordination Cell for security and defence in the Sahel (**RACC**) aims to reinforce the G5 Sahel national and regional capacities with a view to improving regional cross-border cooperation in the field of security and defence.

In 2019 IHL was integrated into training courses such as the pre-deployment training course for 30 commanders of the G5 Sahel Joint Force HQ staff at the Defence College in Nouakchott, Mauritania. Another workshop including IHL elements was given on legalisation of military operations, focusing on collaboration between the military (capture) and police units (military police and national investigation units), and intercountry collaboration in the border areas was organised with EU CSDP missions EUCAP Mali and EUCAP Niger and partners including OHCHR and UNODC.

36 Council Decision (CFSP) 2018/1884 of 3 December 2018 extending and amending Decision 2010/452/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia (OJ L 308, 4.12.2018, p. 41).

On 1 October 2019 the European Commission, EEAS, UN OCHA and UN Liaison Office for Peace and Security (UNLOPS) organised a joint EU-UN Senior Officials Workshop on humanitarian civil-military coordination (CMCoord), IHL and protection of civilians (PoC) in Mali/the Sahel. The event, which took place in the context of the EU-UN Steering Committee on Crisis Management, gathered humanitarian and military experts from both organisations and from

Member States to discuss concrete ways to strengthen IHL and PoC, as well as the linkages with humanitarian CMCoord.

8. INTERNATIONAL CRIMINAL TRIBUNALS AND MECHANISMS

The EU and its Member States have strongly supported the effective functioning of the ICC and other criminal tribunals such as the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, the Special Tribunal for Lebanon, and the IRMCT, which is mandated to perform a number of essential functions previously carried out by the International Criminal Tribunal for Rwanda (ICTR) and the ICTY.

EXTRACT FROM THE GUIDELINES

Paragraph 16(g):

Individual responsibility: While, in post-conflict situations it is sometimes difficult to balance the overall aim of establishing peace and the need to combat impunity, the European Union should ensure that there is no impunity for war crimes. To have a deterrent effect during an armed conflict the prosecution of war crimes must be visible, and should, if possible, take place in the State where the violations have occurred. The EU should therefore encourage third States to enact national penal legislation to punish violations of IHL. The EU's support of the ICC and measures to prosecute war criminals should also be seen in this context.

The EU's commitment to the ICC is set out in Council Decision 2011/168/CFSP and further operationalised in the action plan following up on that Decision. In addition, the EU Guiding Principles concerning Arrangements between a State Party to the Rome Statute of the ICC and the United States Regarding the Conditions to Surrender Persons to the Court were adopted by the General Affairs and External Relations Council on 30 September 2002. The EU regularly coordinates its position in the Assembly of States Parties. Examples are set out in Annex II (Section D).

The EU continued its efforts to ensure that perpetrators of the most serious crimes under international law are held accountable for their actions and to achieve justice for victims of genocide, war crimes and crimes against humanity. In that context, the EU continued to provide support and assistance to the ICC and to cooperate with it.³⁷

The EU also strengthened the mandate of the EUSR for Human Rights in the areas of international criminal justice and international humanitarian law, highlighting the EUSR's role in implementing the EU's positions and ensuring their coherence and consistency in these areas.

The EU continued to advocate for the universal ratification and implementation of the Rome Statute of the ICC through the various means at its disposal, in particular during its human rights dialogues, through global démarche campaigns and the systematic inclusion of a clause in agreements with third countries encouraging the ratification of, or accession to, the Statute, and by supporting outreach activities performed by civil society organisations in Europe and in partner countries.

The EU continued its communication with the ICC and discussion of ICC-related issues in the framework of the COJUR ICC Working Group. In addition, the EU encourages voluntary cooperation agreements with the ICC, such as agreements on the release of persons and enforcement of sentences.

Support for the ICC also continued in multilateral forums such as the UN Security Council, the UN General Assembly and the UN Human Rights Council.

The EU continued to offer technical assistance to countries that required it for domestic implementation of the Rome Statute. One example of this support was the seminar

³⁷ In accordance with Council Decision 2011/168/CFSP of 21 March 2011 and the 2011 action plan on its implementation, as well as in the framework of the implementation of the Agreement between the ICC and the EU of 10 April 2006 on cooperation and assistance.

organised by Parliamentarians for Global Action to discuss the challenges on the path towards ratification and implementation of the Rome Statute by Ukraine.

The EU continued to provide financial support to the ICC, aimed at broadening understanding of the ICC and the Rome Statute amongst key stakeholders, and at building national capacities in dealing with crimes under the Rome Statute. The main activities included seminars, events and courses aimed at fostering cooperation, sharing expertise and building national capacity, the participation of legal professionals from 'situation countries' in the Court's visiting professionals programme, and the development of legal tools to assist legal professionals working on core international crimes.

The EU has provided over EUR 40 million to the ICC since its creation, both in direct support and through support to civil society under its thematic instrument for democracy and human rights (global civil society campaigns). In particular, since 2012 the EU has contributed directly to ICC outreach activities with an annual budget of EUR 1 million. The overall objective of this action is to continue the EU's support for and cooperation with the ICC. The specific objectives are: 1) to keep broadening understanding of the ICC and the Rome Statute amongst key stakeholders, in particular ICC States Parties and legal professionals, and achieve greater support for and cooperation of states with the ICC; and 2) to reinforce national capacities in dealing with crimes under the Rome Statute, particularly in situation countries.

Since 2013 the ICC has organised 17 high-level and cooperation seminars as well as 19 technical events and training sessions, including an annual focal points seminar, and training events for counsel (which have proved extremely relevant for defence or representation of victims, while also promoting dialogue amongst participants at regional level). Moreover, training of legal professionals increased participants' legal expertise in international criminal and humanitarian law and developed their knowledge of the Rome Statute system. Furthermore, the Legal Tools Database is constantly being improved, acting as a repository of key court documents and collections of legal research resources in international criminal law. The database is available via the ICC website and the project also includes other legal research tools, including the Case Matrix.

In terms of global civil society campaigns, the projects under the 2016 EIDHR Global Call for Proposals (budget of EUR 2.67 million, implementation phase started end of 2017) were:

- the 'Parliamentary Campaign for the Effectiveness and Universality of the Rome Statute (RS) of the International Criminal Court (ICC) System' project, implemented by Parliamentarians for Global Action (EU contribution EUR 1.12 million);

- the 'Reducing impunity from the ground up: mobilising and deepening civil society advocacy to promote the effective functioning of the ICC and the Rome Statute system' project, implemented by the Coalition for the International Criminal Court (EU contribution EUR 1.55 million).

Implementation of both projects continued in 2019 and should end in 2020. The findings of the final reports, due in 2020, will help the EU reflect on its support for outreach efforts on ratification of and compliance with the Rome Statute.

In **Colombia** the EU is actively supporting the transitional justice process, including by supporting the Prosecutor General's Office, the Truth Commission (EUR 4 500 000) and the new Missing Persons Unit (EUR 3 200 000).

In the **Central African Republic** the EU committed EUR 4.5 million in support to the establishment and activities of a Special Criminal Court, as part of a wider programme of support for the justice system. The EU is also stepping up its support for the national judiciary following the signature of the Agreement for Peace and Reconciliation and the adoption of a new sectoral strategy on justice.

In **Guinea** the EU has been supporting victims' participation in the trial concerning the stadium massacre of 28 September 2009.

In **Iraq** the EU is strengthening the Iraqi capacity to document crimes committed by Da'esh and implement actions aimed at laying the ground for reconciliation.

In line with the principle of complementarity, the EU is providing comprehensive support to the justice systems of a number of other countries under investigation or preliminary examination by the ICC, including **Afghanistan, Myanmar/Burma, Georgia, Côte d'Ivoire, Kenya, Guinea, Mali and Uganda**.

Since 2016 the EU has supported the setting up and operation of the **Kosovo Specialist Chambers (KSC)** and the Specialist Prosecutor's Office (SPO), which were established under Kosovo law to prosecute and adjudicate criminal charges arising from the investigation into the allegations raised in a report entitled 'Inhuman treatment of people and illicit trafficking in human organs in Kosovo', released on 12 December 2010 by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe. The KSC and SPO are temporary judicial institutions and have jurisdiction over crimes against humanity, war crimes and other crimes under Kosovo law in relation to these allegations.

The KSC and SPO are primarily financed by the EU. For the period from 15 June 2018 to 14 June 2020, the EU Member States approved a budget totalling EUR 86 250 000. In

addition, the Norwegian government funded (EUR 8.4 million) the refurbishment of the KSC and SPO premises in The Hague, while the Swiss government supported the outreach activities in 2018 and 2019 (EUR 181 200).

The EU-financed court transitioned in 2019 from a preparatory phase to implementing the processes developed. It moved to purpose-designed premises with a courtroom. The KSC courtroom has the capacity to live-stream its proceedings in all three official languages (Albanian, English and Serbian), provides for various measures that will ensure the safety and security of victims and witnesses, and has in place a number of innovative features that will facilitate the conduct of efficient, fair, safe and secure proceedings. In the course of 2019 the SPO investigation progressed to the point where charging decisions can begin to be made.

On the fight against impunity for serious violations of IHL, the EU is supporting the IRMCT at a regional level in the Western Balkans through two projects to promote domestic accountability and inform affected communities about crimes committed during the 1990s conflicts on the territory of the former Yugoslavia. These actions aim to strengthen the rule of law and, ultimately, to contribute to good neighbourly relations and reconciliation. The total EU contribution for these actions is EUR 2.2 million.

The EU also promotes adherence to the Rome Statute in its international agreements.

Article 11 of the Cotonou Agreement provides as follows:

7. In promoting the strengthening of peace and international justice, the Parties reaffirm their determination to:

- *share experience in the adoption of legal adjustments required to allow for the ratification and implementation of the Rome Statute of the International Criminal Court; and*
- *fight against international crime in accordance with international law, giving due regard to the Rome Statute.*

The Parties shall seek to take steps towards ratifying and implementing the Rome Statute and related instruments.

No horizontal agreements were signed and/or concluded by the EU in 2019.

Since 2016, the annual EU Day Against Impunity for genocide, crimes against humanity and war crimes has been marked on 23 May. Under the auspices of the Presidency of the Council of the EU, in cooperation with the European Commission, the Genocide Network and Eurojust, this initiative aims to raise awareness of the most heinous crimes of genocide, crimes against humanity and war crimes³⁸.

38 <http://www.eurojust.europa.eu/Practitioners/Genocide-Network/Pages/EU-Day-Against-Impunity.aspx>

9. CONCLUSION

During the reporting period, the EU has continued to actively promote respect for IHL across the various areas covered by the Guidelines, through its policy decisions, operational activities, financial and other assistance and in cooperation with third states and regional and international actors, as part of its wider diplomatic, humanitarian and development efforts. Continuing the practice of the previous two reports, the aim of this document is to give a factual, coherent and concise overview of the EU's various policies and actions in promoting and ensuring respect for IHL in all circumstances. Such an instrument should serve to better disseminate knowledge and awareness of the EU's work in this field and to help improve coherence, complementarity and coordination between a variety of means of action.

Since the widespread lack of compliance with IHL during many contemporary armed conflicts, and in particular deliberate breaches of IHL, are a matter of serious concern, domestic implementation of relevant international instruments plays a central role in terms of fulfilling obligations under IHL. To mark the 70th anniversary of the Geneva Conventions, the Council of the EU adopted conclusions on humanitarian assistance and international humanitarian law, which highlight its strong support for respect for and promotion of IHL and reaffirm its strong commitment to the protection of humanitarian and medical workers in conflict areas. On the occasion of the 33rd International Conference of the Red Cross and Red Crescent the EU and its Member States also submitted a set of joint pledges which will contribute to the promotion and dissemination of IHL.

ANNEX I

UPDATED EUROPEAN UNION GUIDELINES ON PROMOTING COMPLIANCE WITH INTERNATIONAL HUMANITARIAN LAW (IHL)

NOTICES FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COUNCIL

Updated European Union Guidelines on promoting compliance with international humanitarian law (IHL)

(2009/C 303/06)

I. PURPOSE

1. The purpose of these Guidelines is to set out operational tools for the European Union and its institutions and bodies to promote compliance with international humanitarian law (IHL). They underline the European Union's commitment to promote such compliance in a visible and consistent manner. The Guidelines are addressed to all those taking action within the framework of the European Union to the extent that the matters raised fall within their areas of responsibility and competence. They are complementary to Guidelines and other Common Positions already adopted within the EU in relation to matters such as human rights, torture and the protection of civilians ⁽¹⁾.

2. These Guidelines are in line with the commitment of the EU and its Member States to IHL, and aim to address compliance with IHL by third States, and, as appropriate, non-State actors operating in third States. Whilst the same commitment extends to measures taken by the EU and its Member States to ensure compliance with IHL in their own conduct, including by their own forces, such measures are not covered by these Guidelines ⁽²⁾.

⁽¹⁾ See EU Guidelines on Human Rights Dialogues (approved by the Council on 13 December 2001, updated on 19 January 2009); Guidelines for EU Policy towards Third Countries on Torture and other Cruel, Inhuman or Degrading Punishment or Treatment (approved by the Council on 9 April 2001, updated on 29 April 2008); EU Guidelines on Children and Armed Conflict (approved by the Council on 8 December 2003, updated on 17 June 2008); EU Guidelines on the Promotion and Protection of the Rights of the Child (approved by the Council on 10 December 2007); Guidelines on Violence against women and girls combating all forms of discrimination against them (approved by the Council on 8 December 2008) and Council Common Position 2003/444/CFSP of 16 June 2003 on the ICC (OJ L 150, 18.6.2003, p. 67).

⁽²⁾ All EU Member States are Parties to the Geneva Conventions and their Additional Protocols and thus under the obligation to abide by their rules.

II. INTERNATIONAL HUMANITARIAN LAW (IHL)

Introduction

3. The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law. This includes the goal of promoting compliance with IHL.
4. International Humanitarian Law (IHL) — also known as the Law of Armed Conflict or the Law of War — is intended to alleviate the effects of armed conflict by protecting those not, or no longer taking part in conflict and by regulating the means and methods of warfare.
5. States are obliged to comply with the rules of IHL to which they are bound by treaty or which form part of customary international law. They may also apply to non-State actors. Such compliance is a matter of international concern. In addition, the suffering and destruction caused by violations of IHL render post-conflict settlements more difficult. There is therefore a political, as well as a humanitarian interest, in improving compliance with IHL throughout the world.

Evolution and Sources of IHL

6. The rules of IHL have evolved as a result of balancing military necessity and humanitarian concerns. IHL comprises rules that seek to protect persons who are not, or are no longer, taking direct part in hostilities — such as civilians, prisoners of war and other detainees, and the injured and sick — as well as to restrict the means

and methods of warfare — including tactics and weaponry — in order to avoid unnecessary suffering and destruction.

7. As with other parts of international law, IHL has two main sources: international conventions (treaties) and customary international law. Customary international law is formed by the practice of States, which they accept as binding upon them. Judicial decisions and writings of leading authors are subsidiary means for determining the law.

8. The principal IHL Conventions are listed in the Annex to these Guidelines. The most important are the 1907 Hague Regulations, the four Geneva Conventions from 1949 and their 1977 Additional Protocols. The Hague Regulation and most of the provisions of the Geneva Conventions and the 1977 Additional Protocols are generally recognised as customary law.

Scope of application

9. IHL is applicable to any armed conflicts, both international and non-international and irrespective of the origin of the conflict. It also applies to situations of occupation arising from an armed conflict. Different legal regimes apply to international armed conflicts, which are between States, and non-international (or internal) armed conflicts, which take place within a State.
10. Whether situation amounts to an armed conflict and whether it is an international or non-international armed conflict are mixed questions of fact and law, the answers to which depend on a range of factors. Appropriate legal advice, together with sufficient information about the particular context, should always be sought in determining whether a situation amounts to an armed conflict, and thus whether international humanitarian law is applicable.
11. The treaty provisions on international armed conflicts are more detailed and extensive. Non-international armed conflicts are subject to the provisions in Article 3 common to the Geneva Conventions and, where the State concerned is a Party, in the 1977 Additional Protocol II. Rules of customary international law apply to both international and internal armed conflicts but again there are differences between the two regimes.

International Human Rights Law and IHL

12. It is important to distinguish between international human rights law and IHL. They are distinct bodies of law and, while both are principally aimed at protecting individuals, there are important differences between them. In particular, IHL is applicable in time of armed conflict and occupation. Conversely, human rights law is applicable to everyone

within the jurisdiction of the State concerned in time of peace as well as in time of armed conflict. Thus while distinct, the two sets of rules may both be applicable to a particular situation and it is therefore sometimes necessary to consider the relationship between them. However, these Guidelines do not deal with human rights law.

Individual responsibility

13. Certain serious violations of IHL are defined as war crimes. War crimes may occur in the same circumstances as genocide and crimes against humanity but the latter, unlike war crimes, are not linked to the existence of an armed conflict.
14. Individuals bear personal responsibility for war crimes. States must, in accordance with their national law, ensure that alleged perpetrators are brought before their own domestic courts or handed over for trial by the courts of another State or by an international criminal tribunal, such as the international Criminal Court ⁽³⁾.

III. OPERATIONAL GUIDELINES

A. REPORTING, ASSESSMENT AND RECOMMENDATIONS FOR ACTION

15. Action under this heading includes:

- (a) In order to enable effective action, situations where IHL may apply must be identified without delay. The responsible EU bodies, including appropriate Council Working Groups, should monitor situations within their areas of responsibility where IHL may be applicable, drawing on advice, as necessary, regarding IHL and its applicability. Where appropriate they should identify and recommend action to promote compliance with IHL in accordance with these Guidelines. Consultations and exchange of information with knowledgeable actors, including the ICRC and other relevant organisations such as the UN and regional organisations, should be considered when appropriate.

⁽³⁾ See the Union's Common Position on the ICC (2003/444/CFSP) and the EU's Action Plan on the ICC. See further Decision of 13 June 2002 (2002/494/JHA) by which the Council set up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes; the Framework Decision (2002/584/JHA) on the European arrest warrant and the procedures between Member States; the Decision of 8 May 2003 (2003/335/JHA) concerning the investigation and prosecution of genocide, crimes against humanity and war crimes; Council Decision 2006/313/CFSP of 10 April 2006 concerning the conclusion of the Agreement between the International Criminal Court and the European Union on cooperation and assistance, OJ L 115, 28.4.2006, p. 49.

Consideration should also be given, where appropriate, to drawing on the services of the International Humanitarian Fact-Finding Commission (IHFFC) established under Article 90 of the 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.

- (b) Whenever relevant, EU Heads of Mission, and appropriate EU representatives, including Heads of EU Civilian Operations, Commanders of EU Military Operations and EU Special Representatives, should include an assessment of the IHL situation in their reports about a given State or conflict. Special attention should be given to information that indicates that serious violations of IHL may have been committed. Where feasible, such reports should also include an analysis and suggestions of possible measures to be taken by the EU.

- (c) Background papers for EU meetings should include, where appropriate, an analysis on the applicability of IHL and Member States participating in such meetings should also ensure that they are able to draw on advice as necessary on IHL issues arising. In a situation where an armed conflict may be at hand, the Council Working Group on International Law (COJUR) should be informed along with other relevant Working Groups. If appropriate and feasible, COJUR could be tasked to make suggestions of future EU action to relevant EU bodies.

B. MEANS OF ACTION AT THE DISPOSAL OF THE EU IN ITS RELATIONS WITH THIRD COUNTRIES

16. The EU has a variety of means of action at its disposal. These include, but are not limited to, the following:

- (a) Political dialogue: Where relevant the issue of compliance with IHL should be brought up in dialogues with third States. This is particularly important in the context of on-going armed conflicts where there have been reports of widespread IHL violations. However, the EU should also, in peacetime, call upon States that have not yet done so to adhere to, and fully implement, important IHL instruments, such as the 1977 Additional Protocols and the ICC Statute. Full implementation includes enactment of any necessary implementing legislation and training of relevant personnel in IHL.

- (b) General public statements: In public statements on issues related to IHL, the EU should, whenever appropriate, emphasise the need to ensure compliance with IHL.

- (c) Demarches and/or public statements about specific conflicts: When violations of IHL are reported the EU should consider making demarches and issuing public statements, as appropriate, condemning such acts and demanding that the parties fulfil their obligations under IHL and undertake effective measures to prevent further violations.

- (d) Restrictive measures/sanctions: The use of restrictive measures (sanctions) may be an effective means of promoting compliance with IHL. Such measures should therefore be considered against State and non-State parties to a conflict, as well as individuals, when they are appropriate and in accordance with international law.

- (e) Cooperation with other international bodies: Where appropriate, the EU should cooperate with the UN and relevant regional organisations for the promotion of compliance with IHL. EU Member States should also, whenever appropriate, act towards that goal as members in other organisations, including the United Nations. The International Committee of the Red Cross (ICRC) has a treaty-based, recognised and long-established role as a neutral, independent humanitarian organisation, in promoting compliance with IHL.

- (f) Crisis-management operations: The importance of preventing and suppressing violations of IHL by third parties should be considered, where appropriate, in the drafting of mandates of EU crisis-management operations. In appropriate cases, this may include collecting information which may be of use for the ICC ⁽⁴⁾ or in other investigations of war crimes.

- (g) Individual responsibility: While, in post-conflict situations it is sometimes difficult to balance the overall aim of establishing peace and the need to combat impunity, the European Union should ensure that there is no impunity for war crimes. To have a deterrent effect during an armed conflict the prosecution of war crimes must be visible, and should, if possible, take place in the State where the violations have occurred. The EU should therefore encourage third States to enact national penal legislation to punish violations of IHL. The EU's support of the ICC and measures to prosecute war criminals should also be seen in this context.

⁽⁴⁾ See the Agreement on Cooperation and Assistance between the European Union and the International Criminal Court referred to in footnote 3 above.

(h) Training: Training in IHL is necessary to ensure compliance with IHL in time of armed conflict. Training and education must also be undertaken in peacetime. This applies to the whole population, although special attention should be given to relevant groups such as law enforcement officials. Additional obligations apply to the training of military personnel. The EU should consider providing or funding training and education in IHL in third countries including

within the framework of wider programmes to promote the rule of law.

(i) Export of arms: The Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment⁽⁵⁾ provides that an importing country's compliance with IHL should be considered before licences to export to that country are granted.

⁽⁵⁾ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, OJ L 335, 13.12.2008, p. 99. This Common Position replaces the European Code of Conduct on Arms Exports adopted by the Council on 8 June 1998.

ANNEX

PRINCIPAL LEGAL INSTRUMENTS ON INTERNATIONAL HUMANITARIAN LAW AND OTHER RELEVANT LEGAL INSTRUMENTS

- 1907 Hague Convention IV Respecting the Laws and Customs of War
- Annex to the Convention: Regulations Respecting the Laws and Customs of War
- 1925 Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare
- 1949 Geneva Convention I for the Amelioration of the Conditions of the Wounded and Sick in Armed Forces in the Field
- 1949 Geneva Convention II for the Amelioration of the Conditions of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea
- 1949 Geneva Convention III Relative to the Treatment of Prisoners of War
- 1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War
- 1977 Geneva Protocol I Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts
- 1977 Geneva Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts
- 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict
- Regulations for the Execution of Convention for the Protection of Cultural Property in the Event of Armed Conflict
- 1954 First Hague Protocol for the Protection of Cultural Property in the Event of Armed Conflict
- 1999 Second Hague Protocol for the Protection of Cultural Property in the Event of Armed Conflict
- 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction
- 1980 UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects
- 1980 Protocol I on Non-Detectable Fragments
- 1980 Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices
- 1996 Amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices
- 1980 Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons
- 1995 Protocol IV on Blinding Laser Weapons
- 2003 Protocol V on Explosive Remnants of War
- 1993 Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction
- 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction

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- 1993 Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991
 - 1994 Statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994
 - 1998 Rome Statute of the International Criminal Court
 - 2005 Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III)
 - 2008 Convention on Cluster Munitions
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ANNEX II

SUPPORTING MATERIALS

A. STATEMENTS & CONCLUSIONS

[See section 2. of the report]

1. EUROPEAN COUNCIL CONCLUSIONS

SUBJECT	DATE	EXTRACT
1. European Council meeting (17 and 18 October 2019) – Conclusions	18.10.2019	<p>‘The European Union remains engaged in its efforts towards effectively addressing the serious humanitarian and refugee crisis in the light of evolving needs, including by supporting those Member States that are facing the most serious challenges in terms of migratory flows in the Eastern Mediterranean.’</p> <p>‘The EU condemns Turkey’s unilateral military action in North East Syria which causes unacceptable human suffering, undermines the fight against Daesh and threatens heavily European security. The European Council notes tonight’s US-Turkey announcement on a pause for all military operations. It again urges Turkey to end its military action, to withdraw its forces and to respect international humanitarian law.’</p>

2. COUNCIL CONCLUSIONS

SUBJECT	DATE	EXTRACT
1. Council Conclusions on EU Priorities in UN Human Rights Fora in 2019	18.02.2019	<p>‘[The EU] will work closely with the UN, in particular the Special Representatives of the Secretary General for Children and Armed Conflicts and on Violence against Children, as well as relevant UN special procedures, to prevent and end the killing, maiming and abduction of children in conflict situations, as well as sexual violence, to end attacks on schools and hospitals, to ensure humanitarian access to children in those situations, and to stop the recruitment and use of children by parties to conflict and by terrorist groups.’</p> <p>‘The EU will continue to call on all states to uphold international humanitarian law and human rights law, and to ensure full, timely and unhindered countrywide access for the delivery of humanitarian aid to populations in need. It will continue to closely follow in that respect the situation in the illegally annexed Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation and areas of eastern Ukraine currently not under the control of the Government, Myanmar, the occupied Palestinian territory, where Israel has obligations under International Humanitarian Law, Syria, and Yemen.’</p>

	SUBJECT	DATE	EXTRACT
2.	Council Conclusions on Yemen	18.02.2019	<p>‘The EU also urges all parties to the conflict to ensure the protection of civilians, including children, and fully respect international humanitarian law as well as international human rights law. It calls on all the parties to the conflict to ensure the safe, rapid and unhindered access for humanitarian supplies and personnel to all people in need in all affected governorates.’</p> <p>‘The EU, which has since the beginning of the conflict contributed with over 560 million euros of assistance, recalls its concern for the dire humanitarian situation in Yemen and stresses the importance of addressing its main drivers through proper coordination between security, political, humanitarian and development action.’</p>
3.	Council Conclusions on EU relations with the Swiss Confederation	19.02.2019	<p>‘The Council appreciates the continued cooperation between the EU and Switzerland on international issues, coordinating their positions on issues of mutual interest in multilateral fora, in areas such as fighting climate change and environmental protection, promoting human rights, rule of law, international criminal justice, compliance with international humanitarian law, democracy, and sustainable development or preserving the multilateral trading system. The Council also welcomes close cooperation in the areas of development cooperation, humanitarian aid and civil protection, and welcomes the signature on 28 April 2017 of an Administrative Arrangement between the Commission (ECHO), the Swiss Agency for Development and Cooperation, and the Federal Office for Civil Protection.’</p>
4.	Council Conclusions on the Sahel	13.05.2019	<p>‘The European Union (EU) stands by the authorities and people of the Sahel, who continue to face challenges of various kinds: i) those of a political nature, in particular serious shortcomings in governance, the rule of law and the protection of human rights; ii) challenges relating to security, with the expansion of the terrorist threat, of extremist violence and of organised crime, including human trafficking, with climate change adversely affecting natural resources and fuelling local conflicts; iii) challenges in terms of development, with endemic poverty, strong demographic growth and weak socio-economic cohesion; iv) these factors aggravate food insecurity, increase migratory pressures and worsen the humanitarian situation.’</p> <p>‘In this connection, it calls for exemplary behaviour by the security and defence forces, respecting human rights and international humanitarian law, as well as for a judicial follow-up of incidents which may constitute violations of those rights and laws.’</p> <p>‘It underlines once again the need for effective implementation, by the G5 Sahel Joint Force and its member states, of the human rights and international humanitarian law compliance framework, and the necessity of establishing a genuine ‘police’ component to support the Joint Force, with a view to ensuring an effective interface between the Joint Force and the national criminal justice systems.’</p> <p>‘Growing insecurity is contributing to the deterioration of the humanitarian situation.’</p>

	SUBJECT	DATE	EXTRACT
5.	Council Conclusions – EU action to strengthen rules-based multilateralism	17.06.2019	<p>‘The EU will uphold and promote respect for international human rights law and international humanitarian law in today’s complex conflicts and crises.’</p> <p>‘As a major humanitarian donor, the EU and its Member States will continue advocating respect for the humanitarian principles, work towards making the humanitarian response more effective and efficient, and support efforts to broaden the donor constituency in the international system, in view of appropriate humanitarian funding.’</p>
6.	Council Conclusions on an EU position on strengthening the ban against anti-personnel mines in light of the 4th Review Conference of the Anti- Personnel Mine Ban Convention from 25 to 29 November 2019 in Oslo	25.06.2019	<p>‘Twenty years after its entry into force, the Council considers that the Convention has become a success story of disarmament diplomacy and an example of what the EU stands for: a rules-based international order, rooted in the respect for human rights and international humanitarian law.’</p> <p>‘The European Union will contribute constructively to a successful consensus outcome of the Review Conference of the Anti-Personnel Mine Ban Convention, thereby pursuing the inclusion of the following elements in the three foreseen outcome documents: (1) the Review of the Operation and Status of the Convention, (2) the Political Declaration and (3) the Action Plan.’</p> <p>‘With regard to the Oslo Political Declaration:</p> <p>i. Commit to a rules-based international order, rooted in the respect for International Law, including Human Rights Law and International Humanitarian Law, and support for a continued multilateral dialogue on disarmament;’</p> <p>‘With regard to the Oslo Action Plan: (...)’</p> <p>ii. Underline that mine action supports security and humanitarian efforts, stabilisation, and socio-economic development, as well as return of refugees and integrated support to mine victims; (...)’</p> <p>‘iv. States Parties should recommit to make use of synergies with other relevant instruments of international humanitarian and human rights law, including potentially the Convention on the Rights of persons with Disabilities, and the UN Sustainable Development Goals.’</p>
7.	Council Conclusions on the review of Council Common Position 2008/944/CFSP of 8 December 2008 on the control of arms exports	16.09.2019	<p>‘The Council underlines the essential contribution that a responsible arms trade policy makes to the maintenance of international peace and security and respect for Human Rights and International Humanitarian Law.’</p>

	SUBJECT	DATE	EXTRACT
8.	Council Conclusions on North East Syria	14.10.2019	<p>‘The EU condemns Turkey’s military action which seriously undermines the stability and the security of the whole region, resulting in more civilians suffering and further displacement and severely hindering access to humanitarian assistance.’</p> <p>‘Turkey’s security concerns in North-East Syria should be addressed through political and diplomatic means, not with military action, and in accordance with international humanitarian law.’</p> <p>‘The EU remains engaged in its efforts towards effectively addressing the serious humanitarian and refugee crisis in light of evolving needs.’</p>
9.	Council Conclusions on Humanitarian Assistance and International Humanitarian Law	25.11.2019	<p>‘In the year of the 70th anniversary of the Geneva Conventions, the Council reaffirms its strong support for the respect for and the promotion of international humanitarian law (IHL) as operationalised in the EU Guidelines on Promoting Compliance with International Humanitarian Law. The Council underlines that international law, including IHL, is one of the strongest tools the international community has for ensuring the protection and dignity of all persons. The Council recalls the obligation to respect and ensure respect for IHL in all circumstances and reaffirms its commitment to the humanitarian principles and objectives of humanitarian action as enshrined in the European Consensus on Humanitarian Aid.’</p> <p>‘The EU and its Member States remain committed to continued discussions on respect for and the implementation and further strengthening of IHL and the humanitarian principles, in close cooperation with their respective National Red Cross Societies. The Council particularly acknowledges the important role of the ICRC as a guardian and promoter of international humanitarian law.’</p> <p>[see Annex III...]</p> <p>‘strengthen their efforts to disseminate IHL inside and outside the EU, in particular to armed forces and armed non-state actors. The EU welcomes the Humanitarian Call for Action as a useful tool of practical measures to strengthen international humanitarian law, foster principled humanitarian action and thus safeguard humanitarian space.’</p>
10.	Council Conclusions on Sudan	09.12.2019	<p>‘The fight against impunity, especially of those responsible for violations of human rights and international humanitarian law, should be a priority for the Sudanese authorities.’</p> <p>‘While welcoming the recent steps taken by the transitional government, the EU remains concerned by the deteriorating humanitarian situation, which has been aggravated by a high number of refugees and internally displaced persons. It is vital that all Sudanese stakeholders respect international obligations, in particular humanitarian principles and international humanitarian law, to ensure safe and unhindered humanitarian access throughout Sudan. (...) The EU will continue to provide support to people in need of humanitarian assistance and protection, especially the most vulnerable.’</p>

	SUBJECT	DATE	EXTRACT
11.	Council Conclusions on the Democratic Republic of the Congo	09.12.2019	<p>'The persistently high number of violations of human rights and international humanitarian law, in addition to violence, including sexual violence, requires an appropriate judicial response.'</p> <p>'A part of the Congolese population remains particularly affected by the worrying humanitarian situation, which is characterised, amongst other things, by a severe food and nutrition crisis and some of the largest population displacements in the continent, brought about, in particular, by a highly volatile security situation in the east of the country. (...) In this respect, it welcomes the President's and the government's commitment to address the humanitarian situation and its root causes, to ensure effective, impartial and independent investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards and with a view to ending impunity.'</p>

3. STATEMENTS BY THE HIGH REPRESENTATIVE (HR)

	SUBJECT	DATE	EXTRACT
1.	Joint statement by HRVP Federica Mogherini and UN Special Representative for Children and Armed Conflict Virginia Gamba on the International Day against the Use of Child Soldiers	12.02.2019	'Despite years of engagement and progress on this issue, the recruitment and use of children continues to happen in too many conflicts. These are children taken away from their families and communities, deprived of their childhood, education, health-care, and of the chance to grow up in a safe and enabling environment. When children are released, we strive to support these boys and girls, including by working to prevent the recurrence of conflict and to build sustainable peace.'
2.	Declaration by the High Representative Federica Mogherini on behalf of the EU on the Autonomous Republic of Crimea and the city of Sevastopol	16.03.2019	'The EU recalls UNGA Resolution 73/263 of 22 December 2018, and calls for its full implementation, including the Russian Federation's obligations under applicable international humanitarian law '.
3.	Statement by the spokesperson on the situation in Idlib and northern Hama	03.05.2019	'Recent attacks have been on densely-populated areas, homes, medical facilities, and settlements for internally displaced people. They have resulted in yet more death and injury to innocent civilians. All parties must as a first priority protect the inhabitants of Idlib province, and ensure unhindered, safe and sustainable humanitarian access.'

	SUBJECT	DATE	EXTRACT
4.	Statement by the High Representative/Vice-President Federica Mogherini on the escalation in Northwest Syria	08.05.2019	‘The recent military escalation in Northwest Syria, with air attacks and artillery shelling targeting schools and hospitals, including with the use of barrel bombs, is an unacceptable violation of international law. Far too many lives have been lost, far too much suffering has been inflicted to the Syrian people.’
5.	Declaration by the High Representative Federica Mogherini on behalf of the EU on Syria	27.06.2019	‘The EU firmly calls on all sides to fully respect International Humanitarian Law . We strongly condemn the indiscriminate attacks on civilians, hospitals and schools, including the use of barrel bombs. The EU reaffirms its firm determination to hold accountable those who violate IHL.’
6.	Statement by the Spokesperson on the deterioration of the situation in Idlib, Syria	24.07.2019	‘Indiscriminate attacks and the destruction of civilian infrastructure cannot be justified under any circumstances. The EU recalls that all parties to the conflict are bound to respect and uphold international humanitarian law and to ensure unhindered humanitarian access to all people in need.’
7.	Statement by the Spokesperson on the latest settlements approved by the Israeli authorities	06.08.2019	‘The EU expects the Israeli authorities to fully meet their obligations as an occupying power under International Humanitarian Law , and to cease the policy of settlement construction and expansion, of designating land for exclusive Israeli use, and of denying Palestinian development. The EU will continue to support a resumption of a meaningful process towards a negotiated two-state solution, the only realistic and viable way to fulfil the legitimate aspirations of both parties.’
8.	Declaration by the High Representative on behalf of the EU on Syria	26.09.2019	‘Meanwhile however the conflict in Idlib persists – following eight years of civil war - as do hostilities in other parts of Syria. Hence the EU equally underlines the urgent need for positive developments in parallel to the work in the constitutional committee. The parties need to engage in confidence-building measures; they need to ensure humanitarian access and full respect for international humanitarian law .’
9.	Declaration by the High Representative on behalf of the EU on recent developments in north-east Syria	09.10.2019	‘We share the goal of ending violence, defeating terrorism and promoting stability in Syria and the wider region. Turkey is a key partner of the European Union and a critically important actor in the Syrian crisis and the region, and the European Union commends Turkey for its important role as a host country of Syrian refugees. Turkey’s security concerns should be addressed through political and diplomatic means, not military action, in accordance with international humanitarian law . The EU continues to urge all parties to ensure the protection of civilians and unhindered, safe and sustainable humanitarian access throughout Syria.’

	SUBJECT	DATE	EXTRACT
10.	Statement by High Representative/Vice-President Federica Mogherini on Israeli settlement policy	18.11.2019	<p>‘The European Union’s position on Israeli settlement policy in the occupied Palestinian territory is clear and remains unchanged: all settlement activity is illegal under international law and it erodes the viability of the two-state solution and the prospects for a lasting peace, as reaffirmed by UN Security Council Resolution 2334.</p> <p>The EU calls on Israel to end all settlement activity, in line with its obligations as an occupying power.’</p>
11.	Declaration by the High Representative on behalf of the EU on the recent deterioration of the situation in north-west Syria	22.11.2019	<p>‘The EU recalls that all parties to the Syrian conflict are bound to respect and uphold international humanitarian law and international human rights law. Equally, they are obliged to ensure unhindered humanitarian access to all people in need. We expect the Syrian regime and the Astana guarantors to immediately fulfil their responsibilities and commitments, and ensure the protection of civilians. The EU also recalls the Sochi Memorandum of 17 September 2018 and calls on the parties involved to fully implement it.’</p>
12.	Statement by High Representative/Vice-President Federica Mogherini on the Day of Remembrance for all Victims of Chemical Warfare	29.11.2019	<p>‘The use of chemical weapons, including the use of any toxic chemical as a weapon, anywhere, at any time, by anyone, under any circumstances is unacceptable. The international community has the task and the responsibility to identify and hold accountable those responsible for the use of chemical weapons.’</p>
13.	Statement by the Spokesperson on the latest developments on Syria	29.12.2019	<p>‘All parties have the obligation to protect civilians. The regime and its allies must cease indiscriminate military attacks and respect international humanitarian law.</p> <p>Guaranteeing rapid, safe and unhindered humanitarian access including the cross-border modality is an utmost necessity. Three million civilians live in Idlib. They must be protected.’</p>

4. JOINT STATEMENTS BY THE HR AND THE COMMISSION

	SUBJECT	DATE	EXTRACT
1.	Statement by High Representative Mogherini and Commissioner Stylianides on the latest developments around Idlib, Syria	29.05.2019	<p>‘The EU recalls that all parties to the conflict are bound to respect and uphold international humanitarian law and to ensure unhindered humanitarian access to all people in need.</p> <p>Indiscriminate attacks on women and children and other civilians, their displacement, and the destruction of civilian infrastructure cannot be justified under any circumstances.</p> <p>We support the call for justice that comes from Syrians and we will keep on working to bring relief to the Syrian people.’</p>

	SUBJECT	DATE	EXTRACT
2.	Statement by High Representative/Vice-President Federica Mogherini and Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides on the World Humanitarian Day 2019	19.08.2019	‘Violations of International Humanitarian Law continue to be one of the most critical challenges for the protection of civilians, as well as the protection of humanitarian and medical workers. Violence against humanitarian workers affects civilians and prevents millions of people from receiving life-saving assistance. Saving lives should not cost lives. Around 400 humanitarian workers have been victims of major attacks in 2018, making it the second worst year in history. Over one third of them were killed and the other third was kidnapped. World Humanitarian Day is an opportunity to honour these dedicated humanitarians, and to advocate for their safety and security. Humanity, independence, neutrality and impartiality are the principles on which humanitarian aid is grounded. These should protect relief workers, enabling them to operate freely. The EU and its Members States are the world leader in humanitarian assistance. Promoting principled humanitarian aid and respect for International Humanitarian Law remains at the core of our international engagement.’

5. RESOLUTIONS OF THE EUROPEAN PARLIAMENT

	SUBJECT	DATE	EXTRACT
1.	EU-Afghanistan Cooperation Agreement on Partnership and Development	13.03.2019	<p>‘17. Emphasises the EU’s continued support for the inclusive Afghan-led and Afghan-owned peace and reconciliation process, including the implementation of the peace deal agreed with Hezb-e-Islami; is ready to contribute to this with all appropriate EU instruments as soon as there is a meaningful peace process; calls on the Taliban to denounce violence, join the peace process and accept the Afghan Constitution; underlines its support for the comprehensive peace offer to the Taliban made repeatedly by the government; calls on civil society to be fully involved in those talks; recognises that the question of a long-term combined international security presence needs to be addressed in order to assist the Afghan security forces in stabilising the country and preventing it from becoming once again a safe haven for terrorist groups and a source of regional instability; calls on all parties to the conflict to respect international humanitarian law;</p> <p>...</p> <p>49. Is concerned about the growing number of more violent and deliberate attacks on health facilities and health workers and the targeting of civilian infrastructure; urges all parties to respect their obligations under international human rights law and international humanitarian law, to prevent attacks against civilians and civilian infrastructure.’</p>

	SUBJECT	DATE	EXTRACT
2.	European Parliament resolution of 27 March 2019 on the post-Arab Spring: way forward for the MENA region	27.03.2019	<p>‘54. Strongly condemns, once again, all atrocities and the widespread violations of human rights and international humanitarian law committed during the conflict, and in particular those committed by forces of the Assad regime, including with the support of its allies, as well as by the UN-listed terrorist organisations; deeply regrets the failure of repeated regional and international attempts to end the war, and urges renewed and intensive global cooperation to achieve a peaceful, sustainable solution to the conflict; stresses that there should not be any tolerance of or impunity for the horrific crimes committed in Syria; reiterates its call for independent, impartial, thorough and credible investigations and prosecutions of those responsible, and supports the work of the International, Impartial and Independent Mechanism on international crimes committed in the Syrian Arab Republic since March 2012 (IIIM); calls, furthermore, for support for CSOs and NGOs, which are gathering and helping to preserve evidence of human rights abuses and humanitarian law violations;’</p>
3.	European Parliament resolution of 18 April 2019 on Cameroon	18.04.2019	<p>‘O. whereas Boko Haram continues to commit serious human rights abuses and violations of international humanitarian law in the Far North region, including the looting and destruction of property, and the killing and abduction of civilians.’</p>
4.	European Parliament resolution of 18 July 2019 on Russia, notably the situation of environmental activists and Ukrainian political prisoners (2019/2734(RSP))	18.07.2019	<p>‘Calls on the Russian Federation to guarantee unhindered access to the occupied Ukrainian territories of Crimea and Donbas for international intergovernmental organisations, in particular, the UN Human Rights Monitoring Mission, the OSCE Human Rights Assessment Mission on Crimea, the Council of Europe Commissioner for Human Rights, other conventions and institutional mechanisms of the Council of Europe, and international humanitarian organisations, in particular the International Committee of the Red Cross’</p>
5.	European Parliament resolution of 24 October 2019 on the Turkish military operation in northeast Syria and its consequences	24.10.2019	<p>‘9. ... strongly calls on the VP/HR, for as long as the Turkish military operation and presence in Syria continues, to launch an initiative aimed at imposing a comprehensive EU-wide arms embargo on Turkey, including dual-use technology goods, in view of the serious allegations of breaches of international humanitarian law;</p> <p>...</p> <p>11. Firmly rejects Turkey’s plans to establish a so-called safe zone along the border in northeast Syria; stresses that any forcible transfer of Syrian refugees or internally displaced persons (IDPs) to this area would constitute a grave violation of conventional international refugee law, international humanitarian law and the principle of non-refoulement; recalls that any return of refugees must be safe, voluntary and dignified and that the current circumstances are such as to categorically prevent such movements; insists that no EU stabilisation or development assistance be delivered to such areas; stresses that ethnic and religious groups in Syria have the right to continue to live in or return to their historical and traditional homelands in dignity and safety.’</p>

6. STATEMENTS ON BEHALF OF THE UNION IN INTERNATIONAL FORUMS

	SUBJECT	DATE	EXTRACT
1.	Arms Trade Treaty - Working Group on Effective Treaty Implementation – EU key messages	29.01.2019	<p>‘Each request for an arms export licence for an item which is listed in the EU Common Military List must be assessed against eight criteria. In accordance with the provisions of the ATT, the risk of gender-based violence and violence against women and children has to be taken into account when examining criterion 2 under the heading: respect for human rights in the country of final destination, as well as respect by that country for international humanitarian law. As a contribution to our debate, I would like to mention common examples of gender based violence, which are contained in the User’s Guide to the EU Common Position, namely sexual violence (including rape), forced prostitution, trafficking, domestic violence and forced marriage. The User’s Guide also states that acts of gender-based violence violate a number of human rights principles enshrined in international instruments and can constitute violations of international humanitarian law if perpetrated during armed conflict.’</p>
2.	First Informal Preparatory Meeting for the Fifth Conference of States Parties of the Arms Trade Treaty – EU statement	01.02.2019	<p>‘In the ATT framework, in addition to discussing the importance of equal and meaningful participation of women and men in international fora, we must continue to focus on the prevention of serious acts of gender-based violence through enhanced implementation of the existing robust treaty provisions on export control risk assessments.’</p> <p>‘We acknowledge that the Secretary General’s 2018 Disarmament Agenda also recognises the role arms control policies can play in helping to reduce arms-related gender-based violence and the need for action to deliver women’s full and equal participation in disarmament.’</p>
3.	90th session of the OPCW Executive Council - EU Statement	12.03.2019	<p>‘The European Union reiterates that any use of chemical weapons (CW) anywhere, at any time, by anyone, under any circumstances is unacceptable. We express the strong conviction that those responsible for the use of chemical weapons should be held accountable. Impunity for the use of chemical weapons can never be tolerated.’</p>

	SUBJECT	DATE	EXTRACT
4.	Brussels III Conference on 'Supporting the future of Syria and the region': co-chairs declaration	14.03.2019	'The Conference welcomed the Special Envoy's emphasis on the need to release detainees and abductees and to clarify the fate of missing persons, as well as his intention to actively pursue efforts to scale up and prioritise action on this issue in his engagement with all concerned. The Conference recalled that arbitrary detention and forced disappearances are violations of human rights and international humanitarian law and called upon all parties, in particular the Syrian civilian, military and security actors, to release persons arbitrarily detained in line with the UN Security Council resolutions 2254 and 2268.'
5.	Convention on Certain Conventional Weapons - Group of Governmental Experts on Lethal Autonomous Weapons Systems – EU statement on 'Characterization of the systems'	25.03.2019	'We believe we should focus on the issue of compliance with international law, in particular IHL. This will involve developing a deeper understanding of the necessary extent and type of human control in various phases of the life cycle of the weapons system to ensure compliance with international law.'
6.	Convention on Certain Conventional Weapons - Group of Governmental Experts on Lethal Autonomous Weapons Systems – EU statement on 'Review of potential military applications of related technologies in the context of the Group's work'	25.03.2019	'All States must ensure that emerging technologies including Artificial Intelligence that could be used in lethal autonomous weapons systems are developed and used in compliance with international law, in particular International Humanitarian Law (IHL) . National legal weapons reviews in compliance with IHL remain a relevant tool in this context. Humans need to remain in control of the development, deployment and use with regard to possible military applications of emerging technologies in the area of LAWS, including AI, and prevent the use of such technologies in a way that would violate international law.'
7.	Convention on Certain Conventional Weapons - Group of Governmental Experts on Lethal Autonomous Weapons Systems – EU statement on 'An exploration of the potential challenges posed by emerging technologies in the area of Lethal Autonomous Weapons Systems to IHL'	26.03.2019	<p>'The EU welcomes the progress made during the 2018 meetings of the open-ended Group of Governmental Experts on Lethal Autonomous Weapons Systems (GGE LAWS), notably the agreement on the ten Possible Guiding Principles which reaffirm that international law, in particular International Humanitarian Law (IHL), fully applies to existing and emerging weapons systems and that States remain responsible and accountable for their development, deployment and use in situations of armed conflict.'</p> <p>'When it comes to the issue of LAWS, technological innovation, including advancements in Artificial Intelligence, is likely to have an impact on the future battlefield. This underscores the importance of processes and structures to ensure that any weapon system is developed, deployed and used in compliance with IHL as well as not putting security at risk.'</p>

	SUBJECT	DATE	EXTRACT
8.	Convention on Certain Conventional Weapons - Group of Governmental Experts on Lethal Autonomous Weapons Systems – EU statement on ‘Use of lethal force’	26.03.2019	<p>‘Human control over lethal autonomous weapons systems is essential to ensure their compliance with international law, including IHL and its key principles, such as distinction, proportionality and precautions in attack in order to protect the civilian population to the furthest extent possible, as well as the obligation to protect the wounded, sick, prisoners of war and any person who is considered hors de combat.’</p> <p>‘The issue of human control will become even more critical within the discussions on LAWS, especially regarding the matter of compliance with IHL.’</p> <p>‘We believe that discussions in the GGE should now focus on the necessary extent and type of human control that is required to ensure compliance with IHL, International Human Rights Law, and other relevant provisions of international law.’</p>
9.	Convention on Certain Conventional Weapons - Group of Governmental Experts on Lethal Autonomous Weapons Systems – EU statement on ‘Humanitarian and international security challenges posed by emerging technologies’	27.03.2019	<p>‘We recall that the GGE LAWS has been mandated to explore and agree on possible recommendations on options related to emerging technologies in the areas of LAWS. This might include possible regulatory options to ensure compliance with International Law, International Humanitarian Law, Human Rights Law and other provisions of International Law, including on the protection of the environment.’</p>
10.	Second Informal Preparatory Meeting for the Fifth Conference of States Parties of the Arms Trade Treaty – EU statement	05.04.2019	<p>‘The EU also aims to promote humanitarian gender- and gender-based violence standards and guidelines, including for instance the Inter-agency standing committee (IASC) gender-based violence guidelines and the IASC Gender Handbook, as well as the work of the Call to Action on Protection from gender-based violence in emergencies.’</p> <p>‘Further efforts are also needed to better understand the gendered impact of armed violence in the context of the ATT (...) We would like to encourage all States Parties and other UN Member States to improve data collection for relevant SDG indicators to be able to measure progress towards achieving SDGs by 2030, including target 5.2 on eliminating violence against women and girls.’</p>
11.	UNSC Open Arrria Formula meeting on Explosive ordnance threat mitigation: For the implementation of a coherent and comprehensive response 12 April 2019 – UN New York - EU Statement	12.04.2019	<p>‘The EU’s support for mine action and the Mine Ban Convention should also be seen in a wider context. The Convention is an example of what the EU stands for: a rules-based international order, rooted in the respect for human rights and international humanitarian law.’</p>

	SUBJECT	DATE	EXTRACT
12.	General Assembly formal debate on IILM	23.04.2019	<p>‘All those responsible for breaches of international law, some of which may constitute war crimes or crimes against humanity, must be held accountable, including those committing crimes against religious, ethnic and other groups and minorities.</p> <p>The EU and its Member States are and will remain at the forefront of accountability efforts and relentlessly pursue accountability for the violations of international law, including international humanitarian law committed in Syria.’</p>
13.	Third Preparatory Committee Session for the 2020 Review Conference of the Treaty on Non-Proliferation of Nuclear Weapons – EU General Statement	29.04.2019	<p>‘The EU notes the severe consequences associated with nuclear weapons use and emphasises that all States share the responsibility to prevent such an occurrence from happening.’</p>
14.	Arria-formula Meeting of the Security Council on ‘The Humanitarian Crisis in Cameroon’ - EU Statement	13.05.2019	<p>‘The respect of International Humanitarian Law and the implementation of humanitarian operations in line with humanitarian principles is equally indispensable, given the complexity of the context.</p> <p>We would also like to stress that ensuring humanitarian assistance to the affected population requires special attention to the needs of the most vulnerable groups, particularly persons with disabilities, who are often the furthest left behind especially in situations of forced displacement and restricted humanitarian assistance.’</p>
15.	Security Council Open Debate on ‘Protection of Civilians in Armed Conflict’ - EU Statement	23.05.2019	<p>‘Firstly, the recurrent failure of parties to armed conflicts to comply with their obligations under International Humanitarian Law (IHL) continues to be one of the most critical challenges for the protection of civilians. This is not merely a catchphrase here in the Council, but impacts the lives of numerous civilians worldwide on a daily basis.’</p> <p>‘We call on all parties to armed conflict to fully comply with IHL principles and rules. Promoting compliance with IHL and respect of the humanitarian principles has always been, and remains, a top priority for the EU and its member states. The EU is especially also supporting efforts to safeguard principled humanitarian assistance with respect to counter-terrorism measures and sanctions.’</p>

	SUBJECT	DATE	EXTRACT
16.	Open Arria Formula Meeting on 'Responding effectively to the needs of refugees, displaced persons and returnees. The role of the UN Security Council and its members'	24.06.2019	'The UN Security Council has an important role to play in removing barriers to delivering assistance and in promoting the respect of international law, including international human rights law, international humanitarian law and international refugee law as applicable. Our humanitarian partners need to be allowed to carry out their work and provide timely and needs-based assistance without obstacles.'
17.	UN Economic and Social Council Humanitarian Affairs Segment - EU Statement	25.06.2019	'We would have welcomed more progress in other key areas. It is essential to better reflect today's realities of predominantly conflict-driven humanitarian crises. Questions relating to the protection of civilians, in particular the protection of children, should not cause a controversy in the negotiations room. Another critically important area is further strengthening our compliance with international law, particularly international humanitarian law , including by addressing the impact of counter-terrorism measures and sanctions on the delivery of principled humanitarian action.'
18.	91st session of the OPCW Executive Council - EU Statement	09.07.2019	'The European Union considers the Chemical Weapons Convention (CWC) as a key instrument of the global non-proliferation and disarmament architecture. The recent use of chemical weapons shows that the prohibition and global non-use norm of these weapons is under threat. The international community is at a crossroads and decisive action is needed to ensure the integrity and full compliance with the CWC. Preventing impunity and re-emergence of chemical weapons (CW) must be at the heart of our endeavours.'
19.	Convention on Certain Conventional Weapons - Group of Experts on Improvised Explosive Devices Amended Protocol II on Mines, Booby-traps and other Devices – EU key messages	22.08.2019	'The EU remains fully committed to reducing the suffering and the harm caused by mines, booby-traps, and other devices in accordance with the provisions of Amended Protocol II and we invite all States who have not yet done so to join this important instrument of International Humanitarian Law (IHL) .'
20.	Convention on Certain Conventional Weapons - Meeting of Experts on Protocol V – EU statement on Explosive Remnants of War	23.08.2019	<p>'We strongly support efforts to strengthen this important instrument of International Humanitarian Law, promote its universalisation and enhance its implementation in order to reduce the humanitarian harm and minimise the risks and effects of ERWs.'</p> <p>'As the world's leading donor of humanitarian aid, the EU provides significant assistance for mine action, in particular for clearance and destruction of mines, booby-traps and ERWs, for victim assistance and for mine risk education in the most heavily affected countries and regions of the world. For us, gender mainstreaming is integral to the delivery of mine action, including through promoting women's participation and providing integrated support where appropriate.'</p>

	SUBJECT	DATE	EXTRACT
21.	Arms Trade Treaty 5th Conference of States Parties – EU statement on Gender and Gender-Based Violence	26.08.2019	<p>‘As recalled by the distinguished panellists, the ATT is the first arms-regulation treaty to recognise the link between conventional arms transfers and gender-based violence and its effective implementation can contribute to eliminating violence against women and girls, as set out in Sustainable Development Goal (SDG) target 5.2.’</p> <p>‘The EU will also promote access to justice for survivors and full accountability for perpetrators of all gender-based conflict-related crimes against women and girls, as well as men and boys, by activating the legal procedures at the national, regional and international levels, notably also through the Rome Statute and the International Criminal Court.’</p>
22.	Arms Trade Treaty 5th Conference of States Parties – EU statement on Treaty Implementation	27.08.2019	<p>‘We recall that EU Common Position 2008/944 defines common rules governing the control of exports of military technology and equipment of EU Member States (...) Every request for an arms export licence for an item listed in the EU Common Military List has to be assessed against the eight risk criteria. These include respect for human rights and international humanitarian law, also taking into account the risk of gender-based violence; internal or regional instability and the risks of diversion.’</p>
23.	1st session of the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies - UN Human Rights Council - EU Statement	30.08.2019	<p>‘The EU believes that PMSC’s must respect international humanitarian law and international human rights law and that the discussions on regulating PMSC’s must be human rights focused in accordance with the new mandate while ensuring respect for applicable international humanitarian law.’</p>
24.	Convention on Cluster Munitions - 9th Meeting of States Parties – EU statement	02.09.2019	<p>‘We are deeply concerned by the reported indiscriminate use of cluster munitions affecting civilian populations in different parts of the world and the resulting victims. The EU calls upon all actors to refrain from such use and to fully adhere to the principles of International Humanitarian Law.’</p>
25.	UN Human Rights Council 42nd session - EU Statement	09.09.2019	<p>‘We are, however, concerned by the way that this Report [A/HRC/42/42] still lacks conceptual clarity, confusing the term “mercenaries”, which has a very clear definition under the international humanitarian law, with “private military and security companies”.</p>

	SUBJECT	DATE	EXTRACT
26.	UN Open-Ended Working Group on developments in the field of information and telecommunications in the context of international security	09.09.2019	<p>'A truly universal cyber security framework can only be grounded in existing international law, including the Charter of the United Nations in its entirety, international humanitarian law, and international human rights law.'</p> <p>'We also believe that international humanitarian law applies to cyber operations in war time, including the principles of precaution, humanity, military necessity, proportionality and distinction.'</p>
27.	6th Committee of the UNGA - EU Statement on Agenda item 109: 'Measures to Eliminate International Terrorism'	07.10.2019	<p>'When designing and implementing counter-terrorism measures, we should ensure that any measures taken do not limit the space in which humanitarian actors can operate in a principled manner, in a manner consistent with international humanitarian law, in particular in high-risk and fragile contexts where their assistance is greatly needed.'</p>
28.	92th session of the OPCW Executive Council - EU Statement	08.10.2019	<p>'The European Union has taken note of the OPCW Director General's reports regarding state-of-play in the elimination of the Syrian Chemical Weapons Programme. We express great concern at the Syrian regime's continued breach of its obligations as a State Party to the Convention due to its failure to provide a complete Declaration and its failure to destroy all of its CW and CW production facilities.'</p>
29.	1st Committee of the UNGA – EU general statement	10.10.2019	<p>'We emphasise that human beings must make the decisions with regard to the use of lethal force, exert control over lethal weapons systems they use, and remain accountable for decisions over life and death in order to ensure compliance with International Law, in particular IHL and International Human Rights Law.'</p>
30.	6th Committee of the UNGA - Statement on behalf of the European Union and its Member States on agenda item 83 'The Rule of Law at the national and international levels', United Nations, New York	10.10.2019	<p>'We support the efforts of the United Nations to strengthen criminal justice responses to terrorism and violent extremism, stressing that these responses are consistent with international law, including human rights law, international humanitarian law and international refugee law.'</p> <p>'Promotion of and respect for international law and rules-based international order is vital.'</p> <p>We support the use by States of international justice mechanisms such as by accepting the jurisdiction of the International Court of Justice, in accordance with the provisions of its Statute, or through other international tribunals to resolve inter-state disputes and to uphold the rules-based international legal order. We underline that international treaties and binding decisions are essential in regulating international relations and should be interpreted and implemented in good faith. The impartiality and independence of all international courts and tribunals are of utmost importance to preserve the rule of law.'</p>

	SUBJECT	DATE	EXTRACT
31.	3 rd Committee of the UNGA - Statement on behalf of the European Union and its Member States on item 70: 'Promotion and Protection of Human Rights', United Nations, New York	21.10.2019	'Ensuring accountability for all violations and abuses of international human rights law and violations of international humanitarian law is an important part of the process to achieve a lasting settlement in the conflict. The EU therefore supports the ongoing work of the Group of Eminent International and Regional Experts and the National Commission of Inquiry and urges all parties to fully cooperate with them, including by giving the group access to Yemen.'
32.	1st Committee of the UNGA - EU statement on conventional weapons	23.10.2019	<p>'The assessment requirements in the ATT ensure that all risks outlined in the Treaty provisions, including serious gender-based violence, are properly considered, prior to export of the items covered by the Treaty. This contributes to ensuring greater respect for international law, including international humanitarian law (IHL) and human rights law.'</p> <p>'We urge States to improve their national arms export control systems and support international efforts to establish the highest possible common standards to regulate international arms trade. The creation of a global level playing field with the involvement of industry and other stakeholders will positively contribute to peace, security and stability, respect for international law, including international humanitarian law and human rights law, and sustainable development.'</p> <p>'The Convention on Cluster Munitions will celebrate the 10th anniversary of its entry into force at the Second Review Conference next year. The EU supports its humanitarian goal and calls upon all actors to refrain from the indiscriminate use of cluster munitions affecting civilian populations and to fully observe the principles of International Humanitarian Law.'</p>
33.	4 th Committee of the UNGA - EU Statement on agenda item 47: 'Assistance in mine action'	23.10.2019	'Also, we welcome the streamlining of the resolution and the call to comply with international obligations related to mine action. UN member states must remain committed in promoting respect for international humanitarian law . Furthermore, we welcome the fact that it recognises the efforts of the Inter-Agency Coordination Group on Mine Action and the African Union on mine action.'
34.	General Assembly - EU Statement on agenda item 130: 'Report of the International Residual Mechanism for Criminal Tribunals'	23.10.2019	'The EU and its Member States will continue to be strong supporters of international criminal justice, whose mission is the promotion of the rule of law, the fight against impunity and the maintenance of international peace and security. We call on all States to cooperate with the Mechanism, in full compliance with their obligations under the relevant Security Council resolutions.'

	SUBJECT	DATE	EXTRACT
35.	Interactive dialogue with the Special Rapporteur on the human rights of internally displaced persons	25.10.2019	The European Union reiterates your call to respect international humanitarian and human rights law , particularly the Convention on the Rights of the Child and Security Council resolutions on children and armed conflict, and to end impunity.'
36.	General Assembly - EU Statement on agenda item 73: 'Report of the International Criminal Court'	04.11.2019	'The European Union expresses its unwavering support to the International Criminal Court, as an essential institution for the promotion of a rules-based global order and to achieve accountability and sustainable peace. The Court remains an important guarantor of the respect of international humanitarian and human rights law in all countries and has a powerful deterrent role. We also stress the relevance of the Court for Sustainable Development Goal 16, as we believe that strong justice institutions are a precondition for sustainable development and stability.'
37.	Convention on Certain Conventional Weapons – EU statement on Protocol V on Explosive Remnants of War	11.11.2019	'We strongly support efforts to strengthen this important instrument of International Humanitarian Law , promote its universalisation and enhance its implementation in order to reduce the humanitarian harm and minimise the risks and effects of ERWs.'
38.	Convention on Certain Conventional Weapons – EU statement on Amended Protocol II on Mines, Booby-Traps and other Devices	12.11.2019	Amended Protocol II represents an important instrument of International Humanitarian Law (IHL) and we invite all States who have not yet done so to join this Protocol. 'Amended Protocol II is the only IHL instrument which explicitly addresses the use of mines other than anti-personnel mines (MOTAPM). Many High Contracting Parties have expressed their continuing concerns on the humanitarian impact caused by the indiscriminate use of these weapons. While acknowledging that MOTAPM are legitimate weapons, Parties are obliged to ensure that they are used in accordance with IHL and that all feasible precautions are taken to protect civilians from the effects of these weapons.'
39.	Convention on Certain Conventional Weapons – EU General Statement	13.11.2019	'The EU and its Member States have a long-standing commitment to the Convention on Certain Conventional Weapons (CCW) and its Protocols which play a key role in the implementation of International Humanitarian Law (IHL) . 'We recall that international law, in particular IHL and International Human Rights Law, fully applies to all weapons systems and that States remain responsible and accountable for their use in armed conflict.' 'We emphasise that human beings should make the decisions with regard to the use of lethal force, exert control over lethal weapons systems they use, and remain accountable for decisions over life and death in order to ensure compliance with international law, in particular IHL and International Human Rights Law.'

	SUBJECT	DATE	EXTRACT
40.	Convention on Certain Conventional Weapons – EU statement on the report of the Group of Government Experts on Lethal Autonomous Weapons Systems	14.11.2019	<p>‘We welcome the agreement on the 11 guiding principles, including the additional guiding principle proposed by Belgium and Ireland on human-machine interaction which may take various forms and be implemented at various stages of the life cycle of a weapon, and should ensure that the potential use of weapons systems based on emerging technologies in the area of LAWS is in compliance with applicable international law, in particular IHL.’</p> <p>‘The GGE should aim for a common understanding on the necessary extent and type of human control that is required to ensure compliance with IHL, International Human Rights Law and other relevant provisions of international law.’</p>
41.	3rd Committee of the UNGA - EU Statement on the occasion of the approval of the Resolution ‘Situation of human rights in the Syrian Arab Republic’ (document A/C.3/74/L.30/Rev.1)	14.11.2019	<p>‘The European Union condemns the systematic and widespread violations of human rights and international humanitarian law, indiscriminate attacks against civilians and civilian objects, and the repeated use of chemical weapons by the Syrian regime and ISIL/Da’esh. All those responsible must be brought to justice. The EU expresses its strong support for accountability mechanisms, particularly the Independent International Commission of Inquiry on the Syrian Arab Republic.’</p>
42.	Anti-Personnel Mine Ban Convention - 4th Review Conference – EU statement	26.11.2019	<p>‘Twenty years since its entry into force, the Anti-Personnel Mine Convention is a success story of effective multilateralism and disarmament diplomacy, strengthening the rules-based international order, rooted in respect for international law, human rights and international humanitarian law.’</p> <p>‘Secondly, we would like the Political Declaration to highlight our strong commitment to the rules-based international order, rooted in respect for International Law, including Human Rights Law and International Humanitarian Law; [...]’</p>

SUBJECT	DATE	EXTRACT
43. 33rd International Conference of the Red Cross Red Crescent Movement, Geneva, 9-12 December 2019 - Statement on behalf of the EU and its Member States	9 to 12.12.2019	<p>‘... We particularly acknowledge the important role of the ICRC as a guardian and promoter of international humanitarian law. We express our appreciation for the Movement’s strong commitment and dedication in providing assistance to those most in need, often in very challenging operational contexts. Seventy years after the adoption of the Geneva Conventions, the European Union reaffirms its strong support for the respect for and the promotion of international humanitarian law, which remain crucial to achieve the best protection of those affected by armed conflict.</p> <p>We are seriously concerned about the widespread lack of compliance with International Humanitarian Law during many contemporary armed conflicts, particularly by deliberate breaches of IHL. This disregard for the rules of armed conflict poses a critical challenge to the protection of civilians and vital civilian infrastructure, such as hospitals and schools, that have been targeted, in particular when explosive weapons are used indiscriminately in populated areas. The EU remains strongly committed to the fight against impunity for atrocity crimes and underlines the important complementary role of the International Criminal Court in case a State is unable or unwilling to carry out genuine investigation or prosecution of alleged perpetrators of the most serious international crimes. Those crimes are quite often committed in connection with an armed conflict. The EU also appreciates the crucial contribution of other accountability mechanisms, such as the IIIM, in documenting serious breaches of IHL and in ensuring accountability.</p> <p>The EU and its Member States urge for universal respect for International Humanitarian Law and remain committed to strengthening the implementation and dissemination of IHL. The EU and its Member States will continue to implement a broad range of actions to ensure better compliance with International Humanitarian Law, including measures aimed at enhancing the safety of humanitarian workers and volunteers, as well as medical personnel. We strongly support initiatives to collect and analyse data on attacks against medical personnel and hospitals in order to better address and prevent such attacks. ...’</p>

B. COOPERATION WITH INTERNATIONAL ORGANISATIONS & OTHER ACTORS

[See section 4. of the report]

1. FINANCIAL ASSISTANCE PROVIDED TO INTERNATIONAL CRIMINAL TRIBUNALS

Since 2016, the EU has supported the setting up and operation of the **Kosovo Specialist Chambers (KSC)** and the Specialist Prosecutor's Office which were established under Kosovo law to prosecute and adjudicate criminal charges arising from the investigation into the allegations raised in a report entitled 'Inhuman treatment of people and illicit trafficking in human organs in Kosovo' released on 12 December 2010 by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe.

Apart from a contribution by Norway for the reconstruction of the KSC premises in The Hague (EUR 8 416 623) and a contribution by Switzerland for the outreach activities (EUR 181.200), the functioning of the KSC (staff costs, mission costs, running costs, capital costs) is entirely funded from the EU budget via grant contracts concluded between the KSC and the Commission.

Since the creation of the KSC in 2016, three grant agreements have been concluded between the Commission and the KSC, covering the periods of 15 June 2016 – 14 June 2017, 15 June 2017 – 14 June 2018 and 15 June 2018 – 14 June 2020 respectively. The budgeted maximum EU contribution for the period 15 June 2016 – 14 June 2017 was EUR 29 100 000, while the budgeted maximum EU contribution for the period 15 June 2017 – 14 June 2018 was EUR 39 347 026 (excluding contingencies). The budgeted maximum EU contribution for the period 15 June 2018 – 14 June 2020 is EUR 82 148 536 (excluding contingencies).

The legal basis for the EU financial support is Council Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX Kosovo).

One of the objectives of the **EUSR Horn of Africa** mandate is: 'to contribute to the implementation of Council Decision 2011/168/CFSP (1) (on the International Criminal Court and repealing Common Position 2003/444/CFSP (OJ L 76, 22.3.2011, p. 56) and the Union's human rights policy, in cooperation with the EUSR for Human Rights, including the EU Guidelines on human rights, in particular the EU Guidelines on children and armed conflict as well as the EU Guidelines on violence against women and girls and combating all forms of discrimination against them, and the Union's policy regarding UN Security Council Resolution 1325 (2000), including by monitoring and reporting on developments as well as formulating recommendations in this regard.' According to the Article 1 of the Council Decision 2011/168/CFSP: 'The International Criminal Court (hereinafter the 'ICC'), for the purpose of preventing and curbing the commission of the serious crimes falling within its jurisdiction, is an essential means of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law as well as contributing to the preservation of peace, the prevention of conflicts and the strengthening of international security, in accordance with the purposes and principles of the Charter of the United Nations.'

In terms of global civil society campaigns, the new projects under the 2016 EIDHR Global Call for Proposals (budget of EUR 2.67 M, implementation phase started end of 2017) are:

- 'Parliamentary Campaign for the Effectiveness and Universality of the Rome Statute (RS) of the International Criminal Court (ICC) System' project, implemented by Parliamentarians for Global Action (EU contribution EUR 1.12 M)
- 'Reducing Impunity from the ground up: mobilizing and deepening civil society advocacy to promote the effective functioning of the ICC and the Rome Statute system' project, implemented by the Coalition for the International Criminal Court (EU contribution EUR 1.55 M)

2. FUNDING ASSISTANCE TO SUPPORT ACTIVITIES TO PROMOTE COMPLIANCE FOR IHL – EXAMPLES OF PROJECTS FUNDED UNDER THE INSTRUMENT CONTRIBUTING TO SECURITY AND PEACE

In **Ukraine**, the EU continued to support initiatives for IHL on the ground. A broad intervention *Support to mine action to strengthen resilience and stability in eastern Ukraine* (EUR 5 million) is quantifying levels of contamination in the region. The action's ambition is to clear up to 800 000 square metres and provide accompanying livelihood support measures. A broad mine risk education campaign is planned in parallel. Activities concentrate on the eastern part of Ukraine, in particular in the southern area of the government-controlled Luhansk and Donetsk oblasts, including around the city of Mariupol.

In parallel, the EU adopted a new measure to further support the protection of civilians in conflict (EUR 1 million). This new action will encourage the adoption of the Ukraine's national protection of civilians strategy and provide concrete support for its implementation. In addition, work with the armed forces of Ukraine will be pursued to better protect civilians and minimise harm from their own operations. Finally, the action will focus on further institutionalising the protection of civilians in conflict by advocating the introduction of protection of civilian components in training courses and exercises throughout the military education system.


In **Nigeria**, IcSP has worked on strengthening the **military's civilian protection policies and practices** through military capacity building, through the mobilisation of local communities and through civil society led tailored advocacy engagement. While a policy on the protection of civilians is now under discussion at the Federal Executive Council, close to 1 500 military have been trained in the protection of civilians and civilian harm mitigation, which are now part of the armed forces' curricula as a result of this action. A significant engagement has been put in place with the mobilisation of 31 local communities across North East Nigeria, helping them to engage with the military in order to express their security concerns, demand more responsive security provision and to find collaborative ways of tackling sensitive issues such as the reintegration of former Boko Haram fighters and associates. This action has also supported Nigerian civil society to collectively advocate for better protection of civilians policies and practices by the military, including through a media campaign on 'Gender in conflict'.

IcSP actions contributing to prevention, support, protection and accountability in relation to sexual and gender-based violence during times of armed conflict or in the aftermath of disasters and other emergencies:

Survey on the Well-being and Security of Women in South East Europe and Eastern Europe (implemented by the OSCE)

 **Objective:** The aim is to create an evidence-base on different forms of violence against women (VAW). This evidence-base will facilitate improved policy-making by national actors, such as the security sector, executive and legislature, and social services, as well as international stakeholders working on related programming and policy-making.


 **EU contribution:** EUR 2 000 000


 **Duration:** 01/2015 – 05/2019

 **Location:** Albania, Bosnia and Herzegovina, Republic of North Macedonia, Montenegro, Serbia, Moldova and Ukraine.

IcSP actions contributing to the implementation of the EU Guidelines on Children and Armed Conflict and the EU Action Plan on Human Rights and Democracy 2015-2019 with regard to the protection of children affected by armed conflict:

In Sudan

 The project on Child release and reintegration in **Sudan**, implemented by UNICEF, has as its **objective to protect** children affected by armed conflict from violence, abuse and exploitation, and to enable them to benefit from improved responsive and preventive child protection systems.

 **Duration:** 04/2018 - 04/2019

 **EU contribution:** EUR 2 187 049

 **Location:** Sudan

IcSP actions contributing to the implementation of the EU Guidelines on Children and Armed Conflict and the EU Action Plan on Human Rights and Democracy 2015-2019 with regard to the protection of children affected by armed conflict:

In Colombia

- *Fortaleciendo entornos protectores para los derechos y bienestar de las niñas, niños y adolescentes en alto riesgo en Catatumbo, Meta, Buenaventura y Nariño* (implemented by OXFAM)



Objective: this project aims to support civil society actors in meeting the protection needs of young people and adolescents, to improve the social reintegration of young people who were previously part of armed groups or affected by the armed conflict, as well as their families, through psychosocial, legal and community support, as well as to produce key information on the issues affecting young people recruited by armed groups or who have been victims of violence.



Duration: 02/2017 – 02/2020 EU Contribution: EUR 849 994 Location: Colombia

- *Hacia la Reconciliación y la Construcción de Paz: Reintegración de Niños y Niñas de las FARC-EP*
Towards reconciliation and peacebuilding: reintegration of FARC-EP children

The purpose of this component is to provide support for children and adolescents who formed part of the FARC-EP or other non-state armed groups, so as to ensure the full restitution of their rights, help them to obtain compensation for the abuse of their rights, and provide them with assistance for their social inclusion in their communities of origin or others. Support the agreement reached in Havana, Cuba on children, their release, assistance, and the social inclusion/community reintegration process



Region/country: Colombia



Amount: EUR 2 600 000



Implementing partners: UNICEF

Transitional Justice

Facility under the Instrument contributing to Stability and Peace (IcSP) focusing on Justice in Conflict and Transition: first ever facility dedicated to supporting transitional justice processes. Through the Facility, short-term expert advice will be provided to support third countries' justice processes during conflict, post-conflict and transition periods, including, in areas of restoration of justice for the population, formal and community-based transitional justice processes. Worldwide coverage, planned budget of EUR 2 million. In particular, the programme, launched in January 2019, provides short-term support and expert advice for third countries in the areas of transitional justice, constitution building and restoration of justice for the population. Through the rapid deployment of its experts to third countries, the Facility could deliver strategic and technical advice facilitating the assessment of transitional justice processes and the analysis of opportunities to promote transitional justice mechanisms. The facility has mobilised expertise notably in Colombia to support the transitional justice mechanisms, in The Gambia to assess the Constitution building and transitional justice processes, in South Sudan to support the ongoing dialogue on transitional justice, as well in Venezuela to work with local civil society organisations on the methodology of documenting detention-related human rights violations.

Security Sector Governance Facility

The EU, through the IcSP-funded **Security Sector Governance facility**, aims to support and underpin national policy planning, implementation and dialogue on security sector reform and to ensure that good governance principles remain central to these processes. This programme makes it possible to mobilise short to mid-term expertise, at the request of EU services (including delegations), on a wide range of security issues, including criminal justice, traditional or community-based justice mechanisms, security needs and the rights of women, men, girls and boys, etc. In 2019 the programme mobilised expertise in several countries, including Mali, Burkina Faso, Nigeria and Georgia.

Responsibility to protect and the prevention of atrocities



In 2019, the EU launched a project to support the United Nations Office of Prevention of Genocide and the Responsibility to Protect - '**Advancing Prevention and Preparing for Peace – Atrocity Prevention Guidelines for Practitioners**'. The guidelines will be based on case study research, including best practices and lessons learned.



Region/country: global



Duration: 09/2019 – 03/2021



Implementing partner: UN (United Nations Office of Prevention of Genocide and the Responsibility to Protect)

Capacity building for participation in civilian stabilisation missions

On **capacity building for participation in civilian stabilisation missions**, the EU, through the IcSP-funded ENTRI project (Europe's New Training Initiative for Civilian Crisis Management) has supported training for civilian experts in stabilisation missions, including a specific course targeting field officers working on human rights. The overall objective of the course was to provide the experts, who already had relevant experience in the field and worked for international organisations on missions, with the specific competences and skills they need to fulfil their tasks as members of a human rights field operation. The curriculum included both the theoretical and practical aspects of an officer's tasks. Specifically, the course was designed to:

- i. Deepen and refresh the participants' knowledge of international human rights law and of other bodies of international law aimed at the protection of individuals and groups (international humanitarian law, international criminal justice, refugee law, international standards pertaining to the protection of IDPs, etc.);
- ii. Familiarise participants with the institutional aspects related to the establishment and the functioning of human rights field operations, with particular reference to those organised by the UN and by the EU;

Transfer the skills needed to perform the main tasks usually assigned to human rights field officers (monitoring, fact-finding, reporting, capacity building, etc.). The training was conducted from 24 January to 1 February 2019 in Addis Ababa by the Scuola Superiore Sant'Anna (SSSA). 21 experts were trained.

Geographic interventions under IcSP Article 3

Project name: *Advancing Reconciliation and Accountability through Forensic Investigations in the Central African Republic*



Region/country: Central African Republic



Amount: EUR 2 099 920



Duration: 20/12/2017- 20/06/2020



Implementing partners: Trustees of Colombia University and Equipo Argentino de Antropología Forense



Description: The project seeks to 'promote accountability for war crimes and support families' right to the truth through forensic science'. Concretely, it involves: (i) establishing and strengthening institutional capacities to conduct forensic investigations; (ii) increase responsibility for war crimes in the Central African judicial system through the use of scientific police; (iii) defend and implement a family-friendly approach in the context of judicial investigations; and (iv) facilitate the safe return of refugees and displaced persons to their area of origin.

Project name: *Projet conjoint d'Appui à la Cour Pénale Spéciale de la République centrafricaine*



Region/country: Central African Republic



Amount: EUR 2 000 000



Duration: 18 months-extended (22/10/2018 – 21/04/2020)



Implementing partners: UNDP



Description: The Special Criminal Court (SPC) is responsible for investigating, prosecuting and trying serious human rights violations, including crimes against humanity and war crimes. The law establishing the SPC was promulgated on 3 June 2015. Its originality lies in the fact that it includes both international and national judges. This project intervenes specifically to support the launch of investigations by the Court.

Project name: *Strengthening of the institutional capacity of the Ombudsman's Office for the promotion and protection of the human rights of communities within the framework of the implementation of the Final Peace Agreement.*



Region/country: Colombia



Amount: EUR 700 000



Duration: 18 months



Implementing partners: UNDP



Description: The Project seeks to strengthen the institutional capacity of the Ombudsman's Office for the promotion and protection of the human rights of those communities most involved in the implementation of the Peace Agreement with the FARC-EP. In particular, the project will help implement the Ombudsman's Mobile Assistance Group, thereby strengthening a coordinated response in the most vulnerable territories of the country. Assistance is also provided to strengthen the capacities of communities involved in the building of public policies at territorial level in particular, for those communities subject to forced displacement or at risk of being forcibly displaced.

Project name: *Supporting victims' participation in the 28 September trial in Guinea*



Region/country: Guinea



Amount: EUR 4 200 000



Duration: 02/2018 – 08/2019



Implementing partners: ICMP



Description: The project aims to support the Iraqi authorities in their reconciliation and restorative justice efforts through the development and implementation of a credible strategy to address the issue of missing persons.

Project name: *Support programme for the judicial treatment and reintegration process of Boko Haram former combatants*



Region/country: Niger



Amount: EUR 2 700 000



Duration: 03/2018 – 09/2019



Implementing partners: Search For Common Ground



Description: The project aims (i) to contribute to a consensual reintegration of former combatants from Boko Haram in the Diffa region through a dialogue between the State of Niger, the affected populations and the prisoners/former members of Boko Haram, (ii) to prevent the risks of violent escalation at the intra- or inter-community level, by supporting dialogue between the target groups - and in particular with the Toubou community - while promoting the socio-economic integration of the so-called marginalised communities and of the regions of the Sahel-Saharan strip.

Project name: *Supporting the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic*



Region/country: Syria



Amount: EUR 1 500 000



Duration: 01/07/2018 -31/12/2019



Implementing partners: UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS



Description: On 21 December 2016, the UN General Assembly adopted Resolution 71/248 establishing an 'International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011' (IIIM or 'the Mechanism'). As per its mandate, the Mechanism was established progressively from summer 2017 onwards to pursue its mandate to collect, consolidate, preserve and analyse evidence of crimes reportedly committed in Syria. This action contributed to the development of the Mechanism's framework for managing information and evidence, so that the appropriate metadata are established and accessible in order to facilitate analysis. In parallel, it enabled the Mechanism to engage with Syrian Civil Society, notably through the Lausanne platform - where about 30 non-governmental organisations participate - as well as through Memoranda of Understanding organising the sharing of information and cooperation.

Project name: *Addressing the issue of missing persons in Syria, Phase 2*



Region/country: Syria



Amount: EUR 2 600 000



Duration: 01/06/2019 – 31/05/2020



Implementing partners: International Commission on Missing Persons (ICMP)



Description: this measure contributes to addressing the issue of missing persons in Syria through engagement with civil society organisations, public information campaigns, and by consolidating and expanding mechanisms to address the issue of missing persons in Syria.

C. RESTRICTIVE MEASURES³⁹

[See section 5. of the report]

DECISION		CRITERIA
1.	COUNCIL DECISION (CFSP) 2015/1763 of 1 October 2015 concerning restrictive measures in view of the situation in Burundi	Burundi Article 1 (1) (b): ‘involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law , as applicable, or that constitute serious human rights abuses, in Burundi ...’
2.	COUNCIL DECISION 2013/798/CFSP of 23 December 2013 concerning restrictive measures against the Central African Republic	Central African Republic (CAR) Article 2a (1) (c): ‘involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law , as applicable, or that constitute human rights abuses or violations, in the CAR, including, targeting of civilians, ethnic- or religious-based attacks, attacks on schools and hospitals, and abduction and forced displacement; (d) involved in planning, directing or committing acts involving sexual and gender-based violence in the CAR; (e) recruiting or using children in armed conflict in the CAR, in violation of applicable international law; (g) obstructing the delivery of humanitarian assistance to the CAR, or access to, or distribution of, humanitarian assistance in the CAR; (g) obstructing the delivery of humanitarian assistance to the CAR, or access to, or distribution of, humanitarian assistance in the CAR;’
3.	COUNCIL DECISION 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2008/369/CFSP	Democratic Republic of Congo Article 3(1)(d): ‘recruiting or using children in armed conflict in the DRC in violation of applicable international law; (e): being involved in planning, directing, or committing acts in the DRC that constitute human rights violations or abuses or violations of international humanitarian law , as applicable, including those acts involving the targeting of civilians, including killing and maiming, rape and other sexual violence, abduction, forced displacement, and attacks on schools and hospitals; (f) obstructing the access to or the distribution of humanitarian assistance in the DRC;’

³⁹ Council Decisions are updated from time to time.

DECISION

CRITERIA

4.	COUNCIL DECISION 2017/1775/CFSP of 28 September 2017 concerning restrictive measures in view of the situation in Mali	Mali	<p>Article 1(1):</p> <p>‘responsible for or complicit in, or having engaged in, directly or indirectly, the following actions or policies that threaten the peace, security, or stability of Mali: [...]</p> <p>(e) obstructing the delivery of humanitarian assistance to Mali, or access to, or distribution of, humanitarian assistance in Mali; (f) planning, directing, or committing acts in Mali that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, including those involving the targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge; (g) the use or recruitment of children by armed groups or armed forces in violation of applicable international law, in the context of the armed conflict in Mali;’</p>
5.	COUNCIL DECISION (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP	Libya	<p>Article 8 (2) (a):</p> <p>‘involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in Libya;’</p> <p>Article 8 (2) (c):</p> <p>‘engaged in or providing support for acts that threaten the peace, stability or security of Libya, or obstructing or undermining the successful completion of its political transition, including by: (i) planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Libya;’</p>
6.	COUNCIL DECISION 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP	Somalia	<p>Article 2:</p> <p>‘— engaging in, or providing support for, acts that threaten the peace, security or stability of Somalia, where such acts include, but are not limited to: (i) planning, directing or committing acts involving sexual and gender-based violence; [...]</p> <p>— obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia,</p> <p>— being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law,</p> <p>— being responsible for violations of applicable international law in Somalia involving the targeting of civilians including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement.’</p>

DECISION

CRITERIA

- | | | | |
|-----|---|------------------|---|
| 7. | COUNCIL DECISION (CFSP) 2015/740 of 7 May 2015 concerning restrictive measures in view of the situation in South Sudan and repealing Decision 2014/449/CFSP | South Sudan | Article 3 (1) (a): 'designated by the Security Council or by the Committee in accordance with paragraphs 6, 7, 8 and 9 of UNSCR 2206 (2015), as listed in Annex I to this Decision; (b) not covered by point (a), obstructing the political process in South Sudan, including by acts of violence or violations of ceasefire agreements, as well as persons responsible for serious violations of human rights in South Sudan, and persons associated with them, as listed in Annex II.' |
| 8. | COUNCIL DECISION 2014/450/CFSP of 10 July 2014 concerning restrictive measures in view of the situation in Sudan and repealing Decision 2011/423/CFSP | Sudan | Article 3: 'individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, ...' |
| 9. | COUNCIL DECISION 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria | Syria | Article 27 (1): 'responsible for the violent repression against the civilian population in Syria...'

Article 27(2)(g): 'members of entities, units, agencies, bodies or institutions operating in the chemical weapons proliferation sector.' |
| 10. | COUNCIL DECISION 2014/932/CFSP of 18 December 2014 concerning restrictive measures in view of the situation in Yemen | Yemen | Article 2a (1) (c): 'planning, directing or committing acts that violate applicable international human rights law or international humanitarian law , or acts that constitute human rights abuses, in Yemen.' |
| 11. | COUNCIL DECISION (CFSP) 2018/1544 of 15 October 2018 concerning restrictive measures against the proliferation and use of chemical weapons | Chemical weapons | Article 2 (1):

'(a) natural persons who are responsible for, provide financial, technical or material support for or are otherwise involved in:

(i) manufacturing, acquiring, possessing, developing, transporting, stockpiling or transferring chemical weapons; (ii) using chemical weapons; (iii) engaging in any preparations for the use of chemical weapons; (b) natural persons who assist, encourage or induce any natural or legal person, entity or body to engage in any activity referred to in point (a) of this paragraph and thereby cause or contribute to a danger that such activities may be carried out; and (c) natural persons associated with the natural persons listed in points (a) and (b).' |

D. INTERNATIONAL CRIMINAL TRIBUNALS

[See section 8. of the report]

	SUBJECT	DATE	EXTRACT
1.	Statement by High Representative/Vice-President Federica Mogherini on the accession of Malaysia to the Rome Statute of the International Criminal Court	05.03.2019	'Yesterday, on 4 March 2019 Malaysia deposited its instrument of accession to the Rome Statute of the International Criminal Court. Malaysia's accession to the Rome Statute confirms its commitment to strengthen the rule of law, human rights, and accountability domestically and internationally.'
2.	Statement by the Spokesperson on the International Criminal Court	15.03.2019	'The European Union expresses its unwavering support to the International Criminal Court, as an essential institution for the promotion of a rules-based global order and to achieve accountability and sustainable peace. The Court remains an important guarantor of the respect of international humanitarian and human rights law in all countries and has a powerful deterrent role.'
3.	EU Statement at UNGA on IIIM	23.04.2019	'The EU and its Member States are and will remain at the forefront of accountability efforts and relentlessly pursue accountability for the violations of international law, including international humanitarian law committed in Syria. The EU will continue to support the documentation of human rights and other violations and efforts to gather evidence in view of future legal action. We will continue to call for the referral of the situation in Syria to the International Criminal Court.'
4.	Statement on behalf of the European Union and its Member States at the General Assembly on agenda item 130 'Report of the International Residual Mechanism for Criminal Tribunals', United Nations, New York	23.10.2019	'The EU and its Member States consider that national prosecutions are essential to achieving justice for the victims of war crimes, crimes against humanity and genocide committed in the former Yugoslavia and Rwanda.'
5.	Statement on behalf of the European Union and its Member States at the General Assembly on agenda item 73 'Report of the International Criminal Court' United Nations, New York	04.11.2019	'The European Union expresses its unwavering support to the International Criminal Court, as an essential institution for the promotion of a rules-based global order and to achieve accountability and sustainable peace. The Court remains an important guarantor of the respect of international humanitarian and human rights law in all countries and has a powerful deterrent role.'

	SUBJECT	DATE	EXTRACT
6.	EU Statement at the 18th Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court	02.12.2019	‘The ICC is the central pillar of a global system of international justice. It is important that the Court continues to cooperate closely with other international mechanisms established to ascertain facts related to alleged violations of international human rights and international humanitarian law, in view of facilitating the prosecution of these crimes.’

ANNEX III

COUNCIL CONCLUSIONS ON HUMANITARIAN ASSISTANCE AND INTERNATIONAL HUMANITARIAN LAW

Brussels, 25 November 2019
(OR. en)

14487/19

COHAFA 102
COJUR 13
RELEX 1098

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	14077/19 + 14077/19 COR 1
Subject:	Humanitarian Assistance and International Humanitarian Law - Council Conclusions (25 November 2019)

Delegations will find in the annex the Council conclusions on humanitarian assistance and international humanitarian law, as adopted by the Council at its 3732nd meeting held on 25 November 2019.

Council Conclusions on Humanitarian Assistance and International Humanitarian Law

1. In the year of the 70th anniversary of the Geneva Conventions, the Council reaffirms its strong support for the respect for and the promotion of international humanitarian law (IHL) as operationalised in the EU Guidelines on Promoting Compliance with International Humanitarian Law. The Council underlines that international law, including IHL, is one of the strongest tools the international community has for ensuring the protection and dignity of all persons. The Council recalls the obligation to respect and ensure respect for IHL in all circumstances and reaffirms its commitment to the humanitarian principles and objectives of humanitarian action as enshrined in the European Consensus on Humanitarian Aid. The EU will continue to do its utmost to strengthen effective multilateralism and to promote a rules-based international order where no state or individual is above the law and no person is outside the protection of the law.
2. The Council welcomes the 33rd International Conference of the Red Cross and Red Crescent, taking place in Geneva in December 2019. It is a unique platform bringing together states, the International Red Cross and Red Crescent Movement, as well as other relevant actors in the humanitarian field. The EU and its Member States remain committed to continued discussions on respect for and the implementation and further strengthening of IHL and the humanitarian principles, in close cooperation with their respective National Red Cross Societies. The Council particularly acknowledges the important role of the ICRC as a guardian and promoter of international humanitarian law.

3. The Council expresses its serious concern about the growing number of deliberate breaches of IHL and calls on all parties to all conflicts, including non-state armed groups, to respect IHL and the humanitarian principles. The EU remains strongly committed to the fight against impunity for atrocity crimes and recalls that all States have an obligation to investigate and, if appropriate, prosecute or extradite the suspects of grave breaches of IHL regardless of the nationality of the perpetrators or where the crimes were committed, in accordance with the relevant provisions of the Geneva Conventions and national law. The EU underlines the important complementary role of the International Criminal Court in case a State is unable or unwilling to carry out genuine investigation or prosecution. The EU also recognises the crucial contribution of regional accountability mechanisms to documenting serious breaches of IHL and ensuring accountability. The EU strongly encourages States to ensure adequate protection for victims and survivors of sexual and gender-based violence in armed conflict and to investigate and prosecute the perpetrators of such crimes.
4. The EU will continue to promote compliance with IHL and humanitarian principles in its own activities as well as in its relations with third parties, as expressed in the EU Guidelines on Promoting Compliance with International Humanitarian Law. The EU will issue annual reports on the implementation of these Guidelines. The EU reaffirms its intention to improve coherence, complementarity and coordination between its various policies and actions in promoting and ensuring respect for IHL in all circumstances. In this regard, the Council recalls the reinforcement of the mandate of the European Union Special Representative for Human Rights in the areas of international criminal justice and IHL. The Council also reiterates the importance of integrating respect for IHL into the full range of EU crisis management efforts. In this regard, the EU also recalls the key importance attributed to respect for and the promotion of IHL in the EU Concept on Effective Civil-Military Coordination in Support of Humanitarian Assistance and Disaster Relief¹.

¹ Approved by the EU Military Committee on 30 January 2019, 5536/19

5. The EU will seek innovative ways to promote knowledge on IHL and emphasizes the important role of the National Red Cross Societies and the ICRC as well as the National IHL Committees in this context. The EU and its Member States will strengthen their efforts to disseminate IHL inside and outside the EU, in particular to armed forces and armed non-state actors. The EU welcomes the Humanitarian Call for Action as a useful tool of practical measures to strengthen international humanitarian law, foster principled humanitarian action and thus safeguard humanitarian space.
6. The EU recalls that parties to armed conflicts bear the primary obligation to meet the needs of the population under their control. It is vital that all states and parties to armed conflicts respect their obligation to allow and facilitate the rapid and unimpeded passage of humanitarian relief. The EU is gravely concerned about the indiscriminate use of explosive weapons in densely populated areas and the impact of such use on civilians and civilian objects. The EU will continue to seek to improve the protection of civilians, who are the most frequent victims of serious IHL violations, bearing in mind that men, women, boys and girls of different ages and backgrounds are affected in different ways and recognising their needs, capacities, resources and opportunities in this regard.
7. The EU will continue to promote the protection of humanitarian and medical workers in conflict areas. The EU strongly condemns the growing number of attacks on humanitarian and medical personnel and facilities as well as public infrastructure, which directly affect the safety and health of civilians. The EU calls on states and non-state actors to stop these attacks immediately and refrain from committing them in the future. The Council recalls Resolution 2286 (2016) of the UN Security Council on the protection of health care in armed conflict, and reaffirms that all humanitarian personnel are entitled to respect and protection under international humanitarian law. The Council also welcomes and supports other initiatives, such as the Health Care in Danger initiative by the International Red Cross and Red Crescent Movement.

8. The Council welcomes UN Security Council Resolution 2462(2019) on preventing and combating the financing of terrorism, which recognizes the need to take into account the potential effect of counter-terrorism measures on exclusively humanitarian activities, including medical activities, that are carried out by impartial humanitarian actors. The Council notes that humanitarian actors often work in operational environments with a likely presence of, or under direct control of, designated or sanctioned entities. While recognising the importance of identifying and preventing illicit financial flows to terrorist organisations and networks, the Council, in line with the Security Council Resolution, reiterates that any EU measures including designing and applying restrictive measures and all counter-terrorism measures, must be in accordance with all obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law. The Council will seek to avoid any potential negative impact on humanitarian action and encourages Member States to ensure that domestic counterterrorism measures and restrictive measures are in accordance with international law.
9. The Council expresses its deep concern about the rapidly growing humanitarian needs around the world and reaffirms the EU's commitment to responding to them with regard to both the volume and the effectiveness of humanitarian funding, including through commitments such as those made by the signatories to the Grand Bargain. In this context, the EU also reiterates its call to humanitarian organisations to increase the efficiency of the response in order to ensure that a maximum of assistance goes directly to beneficiaries. The EU calls for coordinated, multi-stakeholder needs assessments in order to provide a more accurate basis for funding decisions and response.

10. The Council stresses its commitment to use EU humanitarian assistance to better address the needs of those in the most vulnerable situations, including women and children, and those most at risk due to, for example, disability, gender identity and sexual orientation, race, ethnicity, age or religion. The EU also recognises their role as key actors in further improving the planning, implementation and evaluation of humanitarian assistance. The EU welcomes the IASC Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action adopted this year and expresses its full support for their implementation and mainstreaming in all humanitarian action in line with the EU's own commitments in the area of disability inclusion.
11. The EU recalls the need to strengthen coordination, coherence and complementarity between humanitarian, development and peace actions and actors, as enshrined in the EU Integrated Approach to External Conflicts and Crises² and in the Council Conclusions on operationalising the Humanitarian-Development nexus adopted in May 2017³. The 'triple nexus' approach recognises that humanitarian relief, medium- to long-term development cooperation and peacebuilding approaches and diplomacy, carried out in accordance with their respective mandates and international humanitarian law, are required in complex emergencies and beyond, while ensuring that humanitarian principles are respected and upheld and development cooperation objectives are maintained. In order to promote a more effective response, the EU will continue to apply lessons learned from EU nexus pilot activities at country level and build on their achievements.
12. The Council recalls the need for the international community to reinforce conflict prevention, to strive for conflict resolution and to better address development needs in all humanitarian crises, in order to achieve the Sustainable Development Goals. The Council underlines that effective multilateralism is imperative and the role of the United Nations in this regard is essential.

² The EU Integrated Approach to external conflicts and crises, 2 June 2017

³ Operationalising the Humanitarian-Development Nexus - Council conclusions (19 May 2017), 9383/17

13. The Council emphasises the need and the commitment to address the humanitarian impact of climate change more effectively and to include disaster risk reduction and resilience-building in all relevant activities. The EU reiterates the benefits of prevention and anticipatory action, both in saving lives and in reducing material damage. The implementation of the Sendai Framework for Disaster Risk Reduction at national level and through international cooperation remains a key objective for the EU.
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