



WORKING PARTY ON PUBLIC INTERNATIONAL LAW (COJUR)

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

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TABLE OF CONTENTS

1. INTRODUCTION	4
2. STATEMENTS	6
Statements, declarations and conclusions	6
Resolutions	7
Positions in international bodies	7
3. POLITICAL DIALOGUES AND DEMARCHES	11
4. COOPERATION WITH INTERNATIONAL ORGANISATIONS & OTHER ACTORS	15
Support for international diplomatic initiatives to strengthen support for IHL	15
Cooperation with and support for the ICRC and other humanitarian actors	16
Financial assistance	17
5. RESTRICTIVE MEASURES	21
6. ARMS EXPORTS AND ARMS CONTROLS	23
7. CRISIS MANAGEMENT OPERATIONS AND TRAINING	26
Military missions and operations	26
Civilian missions	27
8. INTERNATIONAL CRIMINAL TRIBUNALS AND MECHANISMS	29
9. CONCLUSION	32
ANNEX I – UPDATED EUROPEAN UNION GUIDELINES ON PROMOTING COMPLIANCE WITH INTERNATIONAL HUMANITARIAN LAW (IHL)	34
ANNEX II – SUPPORTING MATERIALS	42
A. Statements & conclusions.....	42
B. Cooperation with international organisation & other actors	65
C. Restrictive measures	74
D. International criminal tribunals	78

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 and contribute daily to safeguarding human lives and human dignity, 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. Throughout the

years, this commitment to promoting IHL has also been expressly reaffirmed in important EU documents, such as the European Union's Global Strategy of 2016². Furthermore, advocacy for IHL is also taken into consideration in designing and implementing other important areas of EU policy and external action, such as that on human rights – as shown in the EU Action Plan on Human Rights and Democracy 2020-2024,³ which includes several references to IHL (including its dissemination and advocacy), the protection of civilians and the development of an EU diligence policy to ensure that EU security sector support is in compliance with human rights law and IHL.

Promoting respect for IHL engages the responsibilities of different EU institutions and bodies – the Council, the High Representative for Foreign Affairs and Security Policy, 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.

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, endorsed by the Council in its conclusions of 17 October 2016.

³ EU Action Plan on Human Rights and Democracy 2020-2024, <https://www.consilium.europa.eu/media/46838/st12848-en20.pdf>

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 2009⁴. 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.

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.

One of the main outcomes of this monitoring action are the reports on the implementation of the Guidelines. The purpose of the reporting is twofold: to give more visibility to the wide range of measures undertaken by the EU in support of IHL and to facilitate the Council's assessment of the work carried out by the EU in this field. It should nevertheless be emphasised that the EU has been active in the promotion of respect for IHL even before starting these reporting exercises. It should also be noted that the drafting process itself is an important method of reinforcing coordination and dissemination of information on IHL among the EU institutions and bodies (identified above) contributing to the report.

COJUR has engaged since 2018 in an annual voluntary reporting exercise on the implementation of the Guidelines. The first annual report was issued in 2018⁵, covering the period from 1 July 2016 to 30 June 2017. The second annual report⁶ was issued in 2019 and covered the period from 1 July 2017 to 31 December 2018. The third annual report⁷ was issued in 2020, covering the period from 1 January 2019 to 31 December 2019. These reports are made available for viewing

and downloading, on a public-access, free-of-charge basis, on the website of the Council (in both English and French). The reports are often disseminated by humanitarian actors themselves, being available for example on the website of the International Committee of the Red Cross (ICRC).

This fourth annual report covers the period from 1 January 2020 to 31 December 2020 and shows that, despite new challenges posed by the COVID-19 pandemic, the EU continued to be very active in the implementation of the Guidelines.

As with previous reports, COJUR is responsible for the preparation and content of the report, which greatly benefits from contributions from the services of the Commission, the EEAS and the European Parliament in relation to matters within their areas of responsibility.

This report contains a concise, coherent, transparent, and factual overview of the most relevant actions taken by the EU during the reporting period and as covered in the Guidelines, not seeking to be exhaustive or to duplicate material that is already available in other publications. This report is also instrumental in following the action plan established in the pledge 'Strengthening compliance with international humanitarian law (IHL) through its promotion, dissemination and implementation' submitted by the EU and its Member States at the 33rd International Conference of the Red Cross and Red Crescent (Geneva, December 2019⁸).

Being a public report, it does not cover all activities falling within the scope of the Guidelines – as some of them are, due to their nature and subject, sensitive or classified.

The structure of the report reflects the means of action at the disposal of the EU in its relations with third countries, as established in the Guidelines. Accordingly, the relevant actions are presented in the report under a specific means of action at the disposal of the EU in its relations with third countries: public statements, political dialogues, cooperation with international organisations and other actors, restrictive measures, arms exports and arms controls, crisis management operations and training and international criminal tribunals and mechanisms (individual responsibility).

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- 4 [Annex I, Updated European Union Guidelines on promoting compliance with international humanitarian law \(IHL\), OJ C 303, 15.12.2009, p. 12–17.](#)
 - 5 [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/](https://www.consilium.europa.eu/en/documents-publications/publications/ihl-report-eu-guidelines-april-2018/)
 - 6 [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/](https://www.consilium.europa.eu/en/documents-publications/publications/ihl-report-eu-guidelines-2019/)
 - 7 [Report on the EU guidelines on promoting compliance with international humanitarian law - June 2020 https://www.consilium.europa.eu/en/documents-publications/publications/ihl-report-eu-guidelines-2020/](https://www.consilium.europa.eu/en/documents-publications/publications/ihl-report-eu-guidelines-2020/)
 - 8 [Pledge Strengthening compliance with international humanitarian law \(IHL\) through its promotion, dissemination and implementation – December 2019 https://rcrcconference.org/pledge/strengthening-compliance-with-international-humanitarian-law-ihl-through-its-promotion-dissemination-and-implementation/](https://rcrcconference.org/pledge/strengthening-compliance-with-international-humanitarian-law-ihl-through-its-promotion-dissemination-and-implementation/)

2. STATEMENTS

As an active actor at the international level, the EU institutions regularly issue public statements, declarations and conclusions as well as resolutions on the need to ensure respect for and compliance with international humanitarian law, either in relation to specific situations or conflicts or more generally.

STATEMENTS, DECLARATIONS 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, on 21 February 2020, the European Council issued a declaration on the situation in Idlib, Syria, calling for an immediate cessation of hostilities and urging all parties to the conflict to fully respect their obligations under

and unhindered countrywide access for the delivery of humanitarian aid to populations in need and the effective protection of humanitarian and medical workers. The Council also undertook to continue following closely, in that respect, the situation in the Crimean Peninsula, illegally annexed by the Russian Federation, and areas of eastern Ukraine currently not under the control of the Government.

On 28 May 2020, the Council issued conclusions on Afghanistan, which also referred to the violations of international humanitarian law in the country.

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.

international humanitarian law and international human rights law and to allow unimpeded and direct humanitarian access to all those in need.⁹

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, in its conclusions on the EU Priorities in UN Human Rights Fora in 2020, on 17 February 2020, the Council stated that the EU will continue calling on all states to uphold international humanitarian law and human rights law, including in Cyberspace, and to ensure full, timely

On 6 March 2020, the Foreign Affairs Council issued a statement on the crisis in Idlib and the situation at the EU external borders with Turkey and called for an urgent de-escalation of the conflict in Syria and the enabling of safe, sustained and immediate access to populations in need, in full compliance with international humanitarian law.¹⁰

Between Council meetings, the High Representative for Foreign Affairs and Security Policy (High Representative), who is also the President of the Foreign Affairs Council and Vice-President of the European Commission, frequently issues statements on behalf of the EU or on his own responsibility - often in immediate response to particular events - calling on parties to respect IHL and condemning any violations.

⁹ <https://www.consilium.europa.eu/en/press/press-releases/2020/02/21/declaration-of-the-european-council-on-the-situation-in-idlib/>

¹⁰ https://eeas.europa.eu/headquarters/headquarters-homepage/75344/syria-statement-high-representativevice-president-josep-borrell_en
<https://www.consilium.europa.eu/en/press/press-releases/2020/03/06/statement-of-the-foreign-affairs-council-on-syria-and-turkey/>

In 2020, the High Representative issued numerous statements in relation to the situation in Syria, on behalf of the EU or on his own responsibility, in particular with regard to the protection of civilians. Several statements were also issued jointly with the Commissioner for Humanitarian Aid and Crisis Management, on the occasions of the extensions of the authorisation for cross-border humanitarian assistance in Syria by the United Nations Security Council.

In the context of the conflict in Syria, the EU continued to call upon the Syrian regime and its allies to permanently cease indiscriminate airstrikes and shelling on civilians, and to respect international humanitarian law and to advocate for the implementation of UNSCR 2401 as the Syrian regime and its allies continue their military offensive in disregard of the provision of the resolution, of human suffering and of international humanitarian law.

In a declaration on behalf of the EU on 19 November 2020, the High Representative called on the parties to the Nagorno-Karabakh conflict to respect international humanitarian law and to implement the agreements on the exchange of prisoners of war and the repatriation of human remains. In this declaration, the EU also called for the investigation of any war crimes that may have been committed. The High Representative and his spokesperson also issued several other statements denouncing attacks against civilians and asking for the immediate cessation of hostilities.

In numerous declarations by the High Representative and statements by the Spokesperson, the EU condemned any attacks against the civilian population in Libya (including a hospital attack in Tripoli), as well as the use of civilian infrastructure for military purposes, and called on all parties to respect human rights and international humanitarian law.

In 2020, several statements by the High Representative and his Spokesperson, as well as local statements, recalled the EU's long-standing position on Israel's settlement policy, which is illegal under international law, and called on the Israeli authorities to fully meet their obligations as an occupying power under international humanitarian law.

Throughout 2020, several statements were also issued in relation to the situation in Iraq 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 Crisis Management, issued statements relating to IHL. For example, these concerned particular humanitarian crises, such as Syria, and recalled 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, 1 to 3). 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.

RESOLUTIONS

During the reporting period, the **European Parliament** actively addressed the issue of accountability and respect for IHL, adopting a number of resolutions on the matter.

In its resolution of 26 November 2020 on the situation in Ethiopia, the European Parliament expressed concerns about the serious human rights violations and violations of international humanitarian law. It recalled that deliberate attacks against civilians constitute war crimes and called on forces on both sides to respect international human rights and international humanitarian law and ensure the protection of people in affected areas.

In its resolution adopted on 17 September 2020 on the humanitarian situation in Mozambique, the European Parliament called on the Mozambican authorities to ensure the promotion of democracy, human rights, effective local governance and the effective restoration of the rule of law in northern Mozambique. It recalled that compliance with international humanitarian law and respect for democratic liberties are also crucial for the success of the definitive Peace Agreement signed in 2019 between the Mozambique Liberation Front (Frelimo) and the Mozambican National Resistance (Renamo).

On that same day, another resolution concerning IHL was adopted regarding the situation in the Philippines, including the case of Maria Ressa. The Parliament acknowledged several reported violations of international humanitarian law and the lack of progress in transitional justice and reconciliation.

Also on that day, the Parliament acknowledged the case of Dr. Denis Mukwege in the Democratic Republic of the Congo. It recalled that, in line with the UN Report of August 2010 on the Mapping Exercise, documenting the most serious violations of human rights and international humanitarian law, most of them were committed within the territory of the DRC between March 1993 and June 2003.

A list of such resolutions made during the reporting period is set out in Annex II (Section A, 4).

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 reporting period is set out in Annex II (Section A, 5).

A key illustration of this is the work done in **New York**, in relation to the resolutions of the UN General Assembly (UNGA), the Third Committee and 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, including the 'COVID 19 Omnibus resolution' adopted in 2020, facilitated by Croatia and Afghanistan. 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.

In addition, 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. In 2020, during the reporting period, the EU organised in September 2020, together with Belgium, the UNGA 75 high-level side event on 'The Humanitarian Impact of Combined Conflict, Climate and Environmental Risks'. The event explored to how the combination of climate risks, environmental degradation and conflict exacerbates people's vulnerability and offered a platform for discussion on recommendations, including the integration of a humanitarian perspective in discussions on climate and security and the protection of the natural environment in armed conflict through better respect for international humanitarian law. During this high-level event, the updated ICRC Guidelines on the Protection of the Natural Environment in Armed Conflict were launched. Together with Sweden, the EU also organised another high-level event on the 'Humanitarian situation in Yemen – Averting an Outbreak of Famine'. The event aimed to raise awareness of the alarming situation and to discuss collectively the multiple levels of engagement that this crisis requires, including funding, addressing the drivers of the crisis and ensuring unhindered and safe humanitarian access. The EU also co-sponsored the high-level event on 'Collective Action to Prevent, Mitigate and Respond to Gender-Based Violence in Emergencies', and participated in a number of high-level side events promoting respect for humanitarian principles and international humanitarian law, such as the US-led high-level 'Dialogue with the World's Top Ten Donors on Global Humanitarian Needs'.
- Each year the Humanitarian Affairs Segment (HAS) of 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, which in 2020 took place in New York with the theme of 'Reinforcing humanitarian assistance in the context of the 75th anniversary of the United Nations: taking action for people-centred solutions, strengthening effectiveness, respecting International Humanitarian Law and promoting the humanitarian principles'. The EU, together with Belgium, Switzerland, the Norwegian Refugee Council and Save the Children, co-organised a side event on 'Counterterrorism, Sanctions and Principled Humanitarian Action in the COVID-19 response'. The event aimed to look at the impact of counterterrorism and sanctions measures on humanitarian action in the context of COVID-19, including potential solutions, and to discuss the need to ensure that these measures are consistent with humanitarian principles and obligations under IHL. This event linked strongly with the ECOSOC HAS 2020 theme. The EU also reiterated respect for IHL and humanitarian principles in the Transition Event on 'Humanitarian development, and peacebuilding collaboration in the Sahel', the High-Level Panel on 'Addressing the increasing complexity of health challenges in humanitarian contexts', and the High Level Side Event 'Combating and preventing sexual gender-based violence in humanitarian crises'.
- The 31st Special Session of the General Assembly (UNGASS), convened in December 2020, offered the opportunity for a stocktaking of global efforts on Covid-19 at the highest level. The EU Delegation was also engaged in the UNGASS and ensured the inclusion of the humanitarian perspective, including by calling for compliance with international humanitarian law, the humanitarian principles and the protection of civilians, and supporting the participation of key humanitarian actors in the meetings. The EU also joined Sweden and Morocco in proposing to the UN Secretary-General that the initiative by Morocco 'COVID 19 humanitarian call to action' be included as an official document of the UNGA Humanitarian debate.
- During the annual humanitarian week in December 2020, the EU participated in several high-level side events to promote respect for IHL, in particular during the event 'Averting famine in Yemen: what can we do now and in 2021?' hosted by the UK and Sweden.
- The EU together with Morocco organised the first meeting of the Group of Friends of the Platform on Disaster Displacement (PDD). The Platform for Disaster Displacement works towards better protection for people displaced across borders in the context of disasters and climate change, including in conflict zones. The Group of Friends, co-chaired by the EU and Morocco, will convene biannually in Geneva and biannually in New York.
- Other relevant activities organised by the EU were the side event 'Persons with disabilities in armed

conflict: inclusive protection perspectives' together with UNMAS, Poland and the UK in the margins of the Protection of Civilians week. The EU also organised other events and briefings to the EU Member States addressing gender-based violence, the situation in Latin America and the Caribbean, sanctions and the humanitarian space, child rights and children in conflict, the role of Syrian women in the Syrian peace process, and the situation in the occupied Palestinian territories.

- 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 situation in the Middle East, the situation in Crimea, peace operations and human rights, counterterrorism and organised crime, the situation in the Lake Chad Basin, peace and security in Africa, cyber-attacks against critical infrastructure, Women, Peace and Security, mitigating the threats to international peace and security, and pandemics and the challenges to maintain peace.
- 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 United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and other agencies, funds or programmes, individual countries, NGOs and academic bodies, and the EU actively participates in these.
- The EU Delegation in NY participated in the Annual Retreat on IHL for members of the Security Council organised by the Mission of Spain and the ICRC together with 22 other Delegations, including 14 Members of the Security Council.

In all these contexts, the EU is a firm advocate of respect for IHL and promotion of IHL. Additionally, in autumn 2020, the EU Delegation hosted the third workshop on humanitarian affairs, 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 75th session of the UN General Assembly, the EU Delegation delivered numerous statements, either within the First, Third, and Sixth Committee or in plenary, referring to IHL.

The EU continued to be also very active in **Geneva**, the multilateral hub for humanitarian affairs, on issues related to IHL compliance.

- In 2020, the EU co-chaired the Good Humanitarian Donorship (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. In 2020, IHL-related exchanges in this context focused in particular on access impediments to humanitarian aid in the context of the COVID-19 pandemic.
- To help facilitate a more systematic and coordinated approach to the protection of healthcare in armed conflict, the EU continued to develop in 2020 its 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. The Platform is intended to promote discussions with like-minded states and relevant stakeholders sharing the same ambitions and principles to promote and ensure respect for IHL, help 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 addition, the EU is now a standing invitee in the Informal Group of Friends of UNSC Resolution 2286 co-chaired by Canada and Switzerland.
- From 2 to 5 November 2020, the EU also participated in a State Expert Meeting on IHL: practices in performing medical activities in armed conflicts, convened by Switzerland. The meeting, which brought together over 220 experts from 96 States, the EU and ICRC, focused on practical ways to ensure the performance of medical activities in specific operational scenarios occurring in armed conflicts, such as (i) protecting medical personnel from violence by civilians; (ii) managing the presence of weapons in medical transports and units; and (iii) ensuring medical care and confidentiality in light of reporting obligations related to gunshot wounds under domestic legislation.
- In the Human Rights Council (HRC), the EU intervened on numerous occasions to condemn violations and abuses of human rights and humanitarian law. The EU supported the inclusion of strong references to

IHL in key HRC initiatives such as the resolutions on Libya, Syria, Yemen, Myanmar and Burundi. These country-specific resolutions envisage the setting up of special procedures (commission of inquiry, fact-finding mission, investigation) to respond to situations of serious violations of IHL and international human rights law (IHRL) through investigating, collecting evidence, monitoring and reporting to the HRC, including on violations of IHL. In particular, the Fact Finding Mission on Libya was established for the first time in 2020 (A/HRC/RES/43/39), with a mandate that includes to document alleged violations and abuses of international human rights law and international humanitarian law by all parties in Libya since the beginning of 2016, including any gendered dimensions of such violations and abuses, and to preserve evidence with a view to ensuring that perpetrators of violations or abuses of international human rights law and international humanitarian law are held accountable. The mandate of the Group of Eminent Experts on Yemen (originally established in 2017) was further strengthened in 2020 to include the collection, preservation and analysis of information pertaining inter alia to all alleged violations of IHL committed by all parties to the conflict since September 2014. Several other country-specific resolutions supported by the EU, such as those concerning the Democratic Republic of the Congo, Central African Republic, South Sudan and Mali, contain references to IHL and, when relevant, condemn violations and abuses of human rights and violations of IHL, call upon relevant parties to respect their obligations under IHRL and IHL and stress that those responsible for such violations and abuses should be held accountable. Moreover, in the context of the HRC, 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 for example with respect to the situation in the occupied Palestinian territory, Ukraine and Crimea. In the work of the Working Group on Private and Military Security Companies, the EU advocated for focusing its scope more clearly on mercenaries and mercenary-related activities, as defined under IHL.

- 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.

In December 2020, the EU endorsed the Franco-German-led Call for Action to strengthen respect for international humanitarian law and principled humanitarian action. This reaffirms the EU's commitment to promoting compliance with IHL through a variety of measures.

In 2020, 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. In 2020, the EU renewed its commitments based on the new Call to Action roadmap for 2021-2025.

The EU also remained committed to addressing the needs of children affected by armed conflict (CAAC) and intensifying work to prevent and address grave violations against them. The EU also continued to facilitate access to safe education, and remained committed to supporting initiatives to promote and roll out the Safe Schools Declaration.

Finally, IHL was consistently raised during high-level dialogues, meetings and events with other humanitarian donors such as Norway, the US, France and the African Union (AU). Commissioner Lenarčič participated, for example, in the French *Conférence Nationale Humanitaire* in December 2020.

The EU supports the work of the Council of Europe Committee of Legal Advisers on Public International Law (CAHDI) in **Strasbourg**, 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

The EU maintains 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. 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. 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.

During its Human Rights, political and humanitarian dialogues, the EU has continued to encourage the ratification and implementation of the main instruments of international humanitarian law. For example, a Ministerial meeting between the Federal Republic of **Nigeria** and the EU took place virtually on 18 November, for the first time in 5 years. At the meeting, the EU raised the lack of access to the most vulnerable people in north-east Nigeria and the importance of respect for IHL.

The EU also put a strong emphasis on IHL during a virtual Ministerial roundtable on the humanitarian crisis in the **Central Sahel** (Burkina Faso, Mali and Niger) on 20 October 2020, co-organised with Denmark, Germany, and the UN. The *final communiqué* emphasised the need for all actors to respect international humanitarian law, refugee law and human rights law, with consideration to strengthening reporting mechanisms as well as accountability for alleged violations of humanitarian principles.

In **Bosnia and Herzegovina, Serbia, Kosovo and Montenegro**, EU Delegations/EU offices regularly monitor the implementation of remedies for IHL breaches committed in the context of the 1990s conflicts in the former Yugoslavia. This includes monitoring the processing

of war crimes, including conflict-related sexual violence cases (cooperation with the International Residual Mechanism for Criminal Tribunals), the situation of refugees and displaced persons (support for the Sarajevo Process accompanied by the Regional Housing Programme) and missing persons (cooperation with the International Commission on Missing Persons and the ICRC).

Bilateral policy dialogue with the Western Balkans takes place in the framework of the sub-committees on Justice, Freedom and Security under the Stabilisation and Association (SA) Agreements, as well as at political level under the SA Committee and SA Council. Complementarily, political dialogue aims at tackling highly sensitive political issues in relation to the rule of law.

In **Bosnia and Herzegovina**, the EU Delegation and EUSR have observer status in the Supervisory Body for Overseeing the Implementation of the National War Crimes Strategy (NWCS). High-level EU engagement played a key role in facilitating the adoption of a revised National War Crimes Strategy in September 2020, after a two-year delay. The revised strategy provides the necessary framework for Bosnia and Herzegovina to process the backlog of war crimes cases more efficiently.

The EU Office also supported the preparatory work with a view to recording ICTY/ International Residual Mechanism for Criminal Tribunals (IRMCT) convictions in domestic criminal records. IHL-related issues were 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 October 2020 Commission report on Bosnia and Herzegovina (chapter 23: obligations related to Council of Europe conventions, and cooperation with ICTY/ IRMCT; chapter 31: conflict prevention and non-proliferation, International Criminal Court). In its policy dialogue, the EU raised the issue of the bilateral immunity agreement between Bosnia and Herzegovina and the United States on the jurisdiction of the International Criminal Court (ICC), which is contrary to the EU common positions on the integrity of the Rome Statute.

Since the beginning of the hostilities in and around **Nagorno-Karabakh**, the EU has been engaged via the President of the European Council, the EU High Representative for Foreign Affairs and Security Policy / Vice-President of the Commission (HR/VP), the EU delegations and the EU Special Representative for the South Caucasus. While hostilities were ongoing, the President of the European Council and the HR/VP were in direct contact with their counterparts in Armenia and Azerbaijan calling for an immediate cessation of hostilities and respect for international humanitarian law. The Partnership Council with Armenia and the Cooperation Council with Azerbaijan, which took place in December 2020, were an opportunity to reiterate the message on the need to respect the ceasefire agreed on 9 November and the EU readiness to support the shaping of a durable settlement to the conflict, in close complementarity with the Minsk Group Co-Chairs.

The humanitarian situation in eastern **Ukraine**, including respect for IHL (protection of civilians and conduct of hostilities) is regularly discussed during the EU's bilateral political dialogue with Ukraine at various levels, most notably in the context of the annual Human Rights Dialogue in which IHL is one of the topics of discussion. 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.

With regard to **Russia**, the EU Delegation in Moscow raised concerns about the situation in Crimea and the situation of Ukrainian prisoners with Russian interlocutors on a continuous basis and at all levels.

In **Afghanistan**, the EU Delegation raised the issue of respect for international humanitarian law in its dialogue with the Government in relation to the need to reduce civilian casualties, to thoroughly and transparently investigate incidents that have resulted in civilian casualties

and to investigate and prosecute those responsible for targeted killings of Human Rights Defenders (HRDs), media workers and government officials. The EU repeatedly called for the implementation of a nationwide and comprehensive ceasefire by the main parties to the conflict.

The 6th EU-**Myanmar** Human Rights Dialogue, held in October 2020, allowed for a discussion on humanitarian access and the situation of Internally Displaced Persons, as well as accountability for alleged human rights and international law violations committed by the security forces in Myanmar.

The EU and its Member States conducted demarches towards the largest exporters of weapons and weapon systems to Myanmar, to advocate for ceasing all sales of weapons to the Myanmar armed forces (Tatmadaw) and supporting a global arms embargo.

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 all sides to the conflict and conveyed common messages in coordination with Member States. In a joint communiqué¹¹ issued by the EU as part of the P5+4 after the Ministerial discussion on Yemen (17 September), the group expressed its concern at reports of continued civilian casualties. The P5+4 also called on all parties to fulfil their obligations under international humanitarian law, including the protection of civilians, notably humanitarian workers and health personnel, and civilian infrastructures.

The EU and Sweden also co-hosted two Humanitarian Senior Officials Meetings (in February and November) and a side event during the UNGA ministerial week, convening the humanitarian community and defining a constructive engagement seeking to increase humanitarian access and respect for humanitarian principles.

In relation to the **Central African Republic**, a message of concern over the persistence of violence against civilians and humanitarian actors was reiterated during informal discussions with President Touadéra at the Political and Security Committee (PSC) meeting on 5 October 2020. More specifically, the members of the PSC stressed the importance of the fight against impunity and of sanctions to be drawn up with the African Union and the United Nations, recalling the dire humanitarian situation and the need to guarantee safe access for humanitarian actors across the country.

On 5 and 6 October 2020, the EU Delegation organised a political dialogue with the **DRC** government, for the first time in 10 years. As part of this wider political dialogue, the EU addressed issues related to the protection of civilians, humanitarian access to populations in conflict-affected areas, conflict-related sexual violence, and human rights violations committed by State agents, including in areas affected by armed conflict.

11 https://eeas.europa.eu/headquarters/headquarters-homepage/85320/yemen-joint-communiqu%C3%A9-germany-kuwait-sweden-united-kingdom-united-states-china-france-russia_en

Both the HR/VP and the EU Ambassador in Kinshasa spoke out about the grave human rights violations in the troubled Ituri province, with some clear messages concerning the need to respect IHL and to protect civilians, during bilateral meetings and on social media, for example in response to atrocities in Beni or regarding conflict-related sexual violence.

In relation to **Mozambique**, during two political dialogues under Article 8 of the Cotonou Agreement (in June and November 2020) and the first human rights dialogue held in October 2020, the need for an integrated approach was highlighted in the context of the armed violence in Cabo Delgado, including compliance with international human rights standards and international humanitarian law.

As regards the **EU Special Representative (EUSR) for the Middle East Peace Process**, her mandate provides that she shall 'engage 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 international humanitarian law, human rights and the rule of law'. Throughout the reporting period, the EUSR implemented this provision with a number of meetings with 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 by all States and non-State actors in the area. She 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 Special Representative for the South Caucasus and the crisis in Georgia** continued to advocate for compliance with international humanitarian law, particularly in the context of the Geneva International Discussions, and in bilateral contacts. The EU supported a wide range of humanitarian actions in the Georgian breakaway region of **Abkhazia**, including to address the COVID pandemic, in partnership also with international and local NGOs, and through EU project activities implemented by the World Health Organization (WHO) and the UN aimed at promoting adherence to IHL. The EU called for unimpeded humanitarian access to **South Ossetia**, as provided for by the 6-point agreement of 12 August 2008. In addition, the EU supported the conduct of assessments of the human rights situation in the breakaway regions by international human rights monitors.

In 2020, the **EU Special Representative for Human Rights** maintained his active engagement with two key elements of the mandate – promoting compliance with international humanitarian law (IHL) and promoting support for international criminal justice, and in particular support

for the International Criminal Court (ICC). This work was particularly important during 2020 as the ICC continued to be the object of an intense disinformation campaign and the now former U.S. Administration imposed economic sanctions and visa restrictions against ICC officials. Against this backdrop, several HR/VP statements¹² were issued and the EUSR held several meetings with U.S. counterparts, urging the U.S. to withdraw its sanctions while reaffirming unwavering EU support for the ICC.

The U.S. sanctions, as well as the finalised work of the Independent Expert Review of the ICC and the Rome Statute System, were discussed during meetings between the EUSR and the ICC Principals. Strong EU support for the ICC was also expressed at a meeting of the Informal Ministerial Network in the margins of the 75th UNGA, which the EUSR addressed, and in an interview for the French newspaper *Le Monde*.

Throughout 2020, the EUSR for Human Rights raised international humanitarian law issues of concern in dialogues with third countries, for example in the human rights dialogues with Colombia, Myanmar and Ukraine.

To address the widespread violations of international humanitarian law (IHL), the EUSR for Human Rights had real-time engagement on IHL with other EUSRs. In 2020, he worked closely with the EUSR for the Sahel to jointly address the increase in violations of human rights and IHL in the Sahel region, including violations allegedly committed by defence and security forces. In this regard, there was engagement with the UN, regional and national actors in order to support Sahel countries in ensuring the protection of human rights and IHL. Joint EUSRs meetings were also held with the G5 Sahel Executive Secretariat to address the human rights and IHL situation and to convey concerns of violations allegedly committed by security and defence forces in the region.

The EUSR had consultations with the EUSR for the Middle East Peace Process (MEPP) in this area and met with both the Israeli and the Palestinian ambassadors to the European Union.

To address the humanitarian crisis, the need for humanitarian access and allegations of human rights violations and abuses and violations of IHL in the Tigray region of Ethiopia, the EUSR for Human Rights and EUSR for the Horn of Africa initiated cooperation.

The EUSR continuously engaged with relevant EU institutions, international organisations and civil society working on international criminal justice and IHL, and actively participated in public events, reinforcing the visibility and coherence of EU action in this field.

In conclusion, throughout the period, significant work was

12 https://eeas.europa.eu/headquarters/headquarters-homepage/80954/international-criminal-justice-statement-high-representative-following-us-decision-possible_en
https://eeas.europa.eu/headquarters/headquarters-homepage/84721/international-criminal-court-statement-high-representativevice-president-josep-borrell-us_en

conducted by the EU, in particular through a demarche campaign to promote the ratification and implementation of the Rome Statute, and to ensure that IHL and international criminal justice and the ICC remain high on the EU policy agenda and are reflected in relevant EU human rights dialogues and consultations with partner countries.

The EU 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 instance, the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part, which was approved on behalf of the Union by Council Decision of 20 January 2020¹³, provides, in Article 13, that the Parties *'agree to work together at bilateral, regional and international levels to prevent and combat terrorism in full accordance with the rule of law, international law, international human rights standards, humanitarian law and relevant UN decisions, including the UN Global Counter-Terrorism Strategy'*.

The Subcommittee on Human Rights of the **European Parliament** (DROI) also organised a number of exchanges of views on country situations.

On 1 December 2020, an exchange of views on the 3rd Report of the United Nations Group of Eminent International and Regional Experts on Yemen entitled 'A Pandemic of Impunity on a Tortured Land' (in association with the Delegation for relations with the Arab Peninsula (DARP) was organised. The report highlighted the catastrophic situation that Yemen is facing after six years of war. All guest speakers denounced the fact that Yemen is suffering the worst humanitarian crisis in the world. Large-scale violations of human rights and international humanitarian law are committed with impunity by all parties involved in the conflict.

In June 2020, a side event to the fourth Syria Brussels conference was organised by the DROI subcommittee, jointly with the Committee on Civil Liberties, Justice and Home Affairs (LIBE), on 'Children of Al-Hol: why the protection of Children's rights matters?'. Speakers, including the International Committee of the Red Cross (ICRC), called for protection and repatriation of the foreign children detained in Al-Hol, in accordance with international humanitarian law.

On 11 November 2020, a parliamentary meeting was organised on the new EU Global Human Rights Sanctions Regime.¹⁴ To prepare for this presentation the DROI

Subcommittee requested various studies on the issue of sanctions based on human rights violations. Reports and studies stressed that sanctions should not impede the delivery of humanitarian assistance, including medical assistance, in line with international humanitarian law.

Public hearings were also held during the year, such as the conference entitled 'Respect for minorities, beliefs and religions' on 17 February 2020. During this meeting, the DROI Subcommittee recalled that in its resolution of 16 January 2020 the European Parliament condemns the repeated violations of human rights and international and humanitarian law, whether based on religion or ethnicity, in Nigeria.

The Committee on Development (DEVE) organised a number of activities dealing with the provision of humanitarian assistance, and the need for ensuring respect for IHL in conflict zones in 2020.

Some examples include exchanges of views with the Croatian and German Presidencies (January and September 2020) and with Commissioner Lenarčič (July, October), as well as debates on the situation and conflicts in Mali (September), Ethiopia (November, with AFET), Afghanistan and Mozambique (both in December and jointly with AFET), in which the issue of IHL violations was raised.

Lastly, as a follow-up to the DEVE debate and letter to HR/VP Borrell and Commissioner Lenarčič on the situation in north-eastern Nigeria in December 2019, a plenary resolution on Nigeria was adopted by the European Parliament on 16 January 2020.

13 OJ L 52, 25.2.2020, p. 1. The agreement itself was published, together with the decision on its signing and provisional application, in OJ L 29, 4.2.2016, p. 3.

14 Subsequently adopted by the Council: Council Regulation (EU) 2020/1998 and Council Decision (CFSP) 2020/1999 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses, OJ L 410I, 7.12.2020, p. 1-19.

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.

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

Support for international diplomatic initiatives is an integral part of the EU advocacy toolbox to strengthen IHL. Diplomatic **field missions** are important to keep IHL messaging high on the agenda during meetings with national authorities and any other relevant stakeholders of armed conflict.

In 2020, Commissioner Lenarčič had the opportunity to go on mission to the African Union, in Nigeria, Ethiopia and Sudan. For example, in Ethiopia, he met with the Ethiopian Minister of Peace and held a press conference to denounce the lack of humanitarian access to Tigray. The Commissioner advocated for full and unfettered humanitarian access, respect for IHL and International Refugee Law. Commissioner Lenarčič also visited Nigeria (January 2020), where he passed messages on IHL and protection at all levels (President, Ministers, local authorities, international donors, humanitarian actors). This field mission was followed by an EU-Nigeria Ministerial meeting in November 2020, where a joint Communiqué including IHL language, as well as language on protection, humanitarian access and human rights, was adopted.

The EU was also involved in several specific initiatives

focusing on key areas for IHL. With respect to the situation in the **Sahel**, in October 2020 the EU co-organised with Denmark, Germany and the UN a high-level Ministerial Roundtable on Central Sahel, where several commitments were made to ensure and to foster IHL (principled humanitarian action, access, civilian-military coordination).

With respect to the situation in **Syria**, in June 2020 the EU organised a senior official level meeting on humanitarian access, where discussions about IHL were central. IHL was also discussed during the Brussels IV Conference organised by the EU and the UN in June 2020. A great number of government representatives, the UN, the Red Cross and Red Crescent Movement, NGOs, local actors and civil society organisations participated in the event.

In regard to the situation in **Afghanistan**, the EU spearheaded efforts to promote compliance with IHL, both at field and international level. To this end, the Commissioner for Crisis Management co-chaired a ministerial-level meeting on 19 October 2020 in the margins of the 2020 Afghanistan Conference, specifically focused on 'Humanitarian Assistance, International Humanitarian Law (IHL) and Protection of Civilians, in the Framework of the Peace Negotiations'. The event was publicly web streamed worldwide, for broad dissemination of its key messages and outcomes. The Commission also worked continuously with OCHA and the Humanitarian Coordinator (HC) to promote respect for IHL and support humanitarian access and principled negotiations with all parties to the conflict, both state and non-state actors. EU engagement included, inter alia, funding of dedicated humanitarian operations (e.g. OCHA, ICRC, Geneva Call, etc.) and, in country, our active participation in the Humanitarian Country Team (HCT) and its Humanitarian Access Group as well as our role as chair of the Humanitarian Donor Group (HDG). IHL messaging on Afghanistan was also included in the Political

Communiqué and Afghanistan Partnership Framework adopted in November 2020 and in the EU Paper 'Key elements for sustained international support to Peace and Development in Afghanistan' adopted in the margins of the Afghanistan donor Conference (November 2020). Finally, IHL and principled support were also central in EU continuous advocacy with the World Bank and other development actors as well as in dedicated press releases and other media products.

On **Yemen**, the EU continued to play a leading role in coordination and advocacy for the respect of IHL and principled delivery of aid. Two Humanitarian Senior Officials Meetings (13 February and 12 November 2020) and a side event during UNGA ministerial week were co-hosted by the EU and Sweden, convening the humanitarian community and defining a constructive engagement seeking to increase humanitarian access and respect of humanitarian principles.

In relation to **Myanmar**, a donors' conference 'Sustaining Support for the Rohingya Refugee Response' took place virtually on 22 October 2020. Over 30 countries and 30 international organisations and NGOs participated. The event, co-hosted by the EU, US, UK and the United Nations High Commissioner for Refugees (UNHCR), increased the visibility of the Rohingya crisis and raised USD 597 million for the Rohingya refugee humanitarian response. The EU mobilised a total of EUR 96 million for humanitarian, development cooperation as well as conflict prevention support. At the conference, the EU called for the implementation of the Bali Process and Declaration in the region, and highlighted the need to keep the crisis on the global agenda, in order to arrive at a peaceful resolution enabling returns of Rohingya to their homeland.

In line with the European Green Deal, the EU is also stepping up advocacy for the **protection of the environment in armed conflict**. In September 2020, in the margins of the UNGA75 Ministerial Week, the EU organised a high-level event on 'The humanitarian impact of combined conflict, climate and environmental risks', co-sponsored by the ICRC among others. At this event, the ICRC launched the revised Guidelines on the Protection of the Natural Environment in Armed Conflict. The EU and its Member States delivered supporting statements.

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 2020, the ICRC received EUR 110 million in funding from the EU's humanitarian aid budget. The Commission and the ICRC also continued to have fruitful dialogues on policy developments in the field of humanitarian action, and particularly with regard to IHL.

Among other things, the EU continued, together with the ICRC, their Grand Bargain Pilot Programme which covers six countries in the Middle East. Protection is a main priority for the ICRC and the EU. The ICRC puts a strong emphasis on efforts to prevent violations of IHL and other applicable norms, especially on protection of civilians (including missing persons and detainees) and humanitarian access. The Pilot Programme ended on 31 December 2020.

In 2020, the EU 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.

As another example of support for the ICRC, in **Colombia** the EU's humanitarian aid budget supported ICRC work on IHL dissemination and advocacy, as well as other partners, to mitigate and respond to the risks and needs of the populations affected by armed conflicts and the pervasive presence of armed non-State actors. EU work concentrated mainly on preventing forced recruitment and use of children by armed actors and on fostering affected communities' capacities to enhance protection networks, in line with the commitment to the Children and Armed Conflict agenda and protection from grave violations against children's rights, which is central to the EU's human rights policy. The EU was also engaged in building confidence among vulnerable and usually excluded groups such as the indigenous populations confined in remote areas, due to the presence of armed groups. These indigenous people were supported to strengthen collective systems, empower the protection mechanisms in their ethnic territories, and engage in an inclusive dialogue to promote peace.

The EU has continued to support the ICRC in the context of the **Venezuelan** crisis, as well as OCHA, to reinforce humanitarian coordination and advocacy.

The ICRC is the key humanitarian actor promoting IHL in the **Democratic Republic of the Congo**. The EU supported its activities through a project aimed at promoting IHL, protection case management and documentation of human rights violations, among other things.

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 2020 the EU's humanitarian aid budget supported the initiative in 17 contexts: Ethiopia, Somalia, Bangladesh, Venezuela, Mozambique, Burundi, South Sudan, Ukraine, Burkina Faso, Mexico-Guatemala-El Salvador-Honduras, Congo, Cameroon, Libya, Nigeria, Myanmar, Afghanistan and Niger.

The EU also supported OCHA's advocacy for humanitarian access in the North-West and South-West regions of **Cameroon**, for the respect of humanitarian principles and the implementation of civil-military coordination.

In **Kosovo**¹⁵, 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 in 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.

In 2020, the EU continued to support **Bosnia and Herzegovina (BiH)** in locating and identifying missing persons through the International Commission on Missing Persons (ICMP). EU funding enables ICMP to conduct a policy dialogue with the BiH authorities and families of the missing with the goal of building capacities in DNA testing. ICMP will also continue to assist BiH with forensic expertise, including the recovery of mortal remains from mass and clandestine graves and support in conducting DNA-based identifications.

The EU was actively engaged in the Human Rights and International Humanitarian Law (HR/IHL) Working Group of the UN-led Berlin Process for **Libya**, which met in five plenary sessions in 2020 under the UN's auspices, co-chaired by the Netherlands and Switzerland. In this context, the EU supported the activities of the HR/IHL Working Group, in particular through its ongoing programmes to call on all parties to respect IHL/IHRL and support Libyan institutions to document violations and increase access to justice for victims of IHL and HR violations through legal aid.

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 minor local disputes and facilitating operations that improve the lives of local people (mine clearance agreements).

Throughout 2020, the EU remained mobilised with the UN Mine Action Service (UNMAS) and assisted stabilisation and humanitarian efforts as well as safe, dignified and voluntary returns to Da'esh-liberated areas in **Iraq**, via explosive threat mitigation. The EU Delegation, as chair of the Coalition against Da'esh Explosive Hazards Management Working Group, spearheaded the coordination of the donor community with Iraqi authorities and other relevant stakeholders in this field. Through its partnership with the International Commission on Missing Persons (ICMP), the EU also assisted in locating and identifying missing persons, notably from mass graves in the wake of Da'esh atrocities.

In the **CAR**, the EU funded a project 'Improving access to justice and the protection of human rights in the Central African Republic' implemented by *Avocats Sans Frontières* Belgium and the *Institut Francophone pour la Justice et Démocratie*, which includes an activity focused on logistical support to accompany victims to the ICC in The Hague. This involves ensuring a budgetary reserve fund to allow the effective participation and accompaniment of victims recognised as such by the ICC, in proceedings relating to the Yekatom and Ngaïssona cases.

FINANCIAL ASSISTANCE

In 2020, the EU continued to financially support initiatives for IHL in many countries through a number of external financing instruments, some of which explicitly provide for the financing of activities to promote compliance with IHL.

Council Regulation (EC) No 1257/96 concerning humanitarian aid¹⁶ provides, in Article 1, that '[t]he Community's humanitarian aid shall comprise assistance, relief and protection operations [...]'. *The preamble of the Regulation states: '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 European Instrument for Democracy and Human Rights (EIDHR)¹⁷ 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

15 *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.

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

17 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.

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)¹⁸ 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; [...]
- support for the rehabilitation and reintegration of the victims of armed conflict, including measures to address the specific needs of women and children.

In December 2020 the European Parliament's and the Council's negotiators reached a political agreement on outstanding issues with respect to the Commission

proposal¹⁹ for a Regulation of the European Parliament and of the Council establishing the Neighbourhood, Development and International Cooperation Instrument (NDICI) in the context of the Multiannual Financial Framework (MFF) 2021-2027. The Regulation, which in the meanwhile has entered into force on 14 June 2021²⁰, merges most of the EU's external financing instruments, including the EIDHR and the IcSP, into one instrument. Humanitarian aid is not covered by the NDICI and 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 Union's external financing 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.

In 2020 the EU 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. A new call for proposals for support to Civil Society Organisations was launched which includes a specific lot for organisations active in the area of Human Rights and Democracy, amounting to EUR 1.1 million (via EIDHR). This lot aims to support economic and social rights, the rights of minorities and the fight against discrimination and human rights in the digital sphere. Ongoing projects supported by EIDHR grants, to a total of EUR 2.7 million, covered issues ranging from the fight against torture to access to justice, support for Human Rights Defenders, strengthening human rights protection in the non-government controlled areas and in Crimea, the rights of the Roma minority, and the rights of IDPs.

The EU is also continuing its support for the activities of the UN Human Rights Monitoring Mission to Ukraine (HRMMU) with a European Neighbourhood Instrument (ENI) 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 non-government-controlled areas.

Through its pre-accession instrument, the EU continued to take forward its comprehensive reconciliation agenda, including through targeted programmes at regional and country level **in the Western Balkans**. At the regional level, the EU extended its long-standing support for the International Residual Mechanism for Criminal Tribunals in enhancing the domestic prosecution of war crimes and increasing public knowledge and understanding of

18 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, cf. Art. 3(2).

19 COM(2018) 460 final of 14.6.2018.

20 Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009, OJ L 209, 14.6.2021, p. 1.

the crimes committed during the conflicts in the former Yugoslavia. Work with the International Commission on Missing Persons focused on regional cooperation, domestic technical capacity in the identification of missing persons, and empowerment of families of missing persons. The regional-level engagement and support was complemented by specific country assistance.

In **Serbia**, the EU provided financial support to a project implemented by the OSCE on war crimes trial monitoring, which included a training component. In 2020 Serbian judges, prosecutors and defence attorneys benefited from training on topics ranging from the processing of Sexual and Gender Based Violence (SGBV) crimes in Armed Conflict to dealing with witnesses and victims in war crimes cases, with a particular focus on SGBV crimes. Relevant International Humanitarian Law (IHL) publications were also translated. Accordingly, legal practitioners dealing with war crimes cases in Serbia and the region will be provided with translations of the most relevant part of the ICRC's Commentaries on the Geneva Convention and the Interpretive Guidance on the Notion of Direct Participation in Hostilities under IHL. The project also supported the publishing of a book on IHL produced by a Serbian expert. The total EU contribution to the OSCE project was EUR 500 000.

In **Bosnia and Herzegovina** over the past 15 years the EU has provided over EUR 18 million to reduce the backlog in the processing of war crime cases, in line with the National War Crime Strategy. This includes enhancing the capacities of courts and prosecutors' offices to handle war crimes cases. In 2020, the EU provided a grant to the OSCE (EUR 500 000) to monitor the war crime trials and provide expert advice and assistance. The EU also provided EUR 3 million to the International Commission on Missing Persons (ICMP) for DNA-assisted identification and recovery of missing persons in 2020-2022.

In **Syria** the EU's humanitarian aid budget provided the Norwegian Refugee Council (NRC), together with Geneva Call, with EUR 729 000 for a project entitled 'Providing Lifesaving Assistance and Protection to Vulnerable Conflict and Displacement-affected Persons in Syria'. The project aims to strengthen the compliance of actions of armed non-State actors (ANSAs) with international humanitarian norms and contribute to the protection of civilians from the effects of the armed conflict across Syria. This included the production and dissemination of advocacy material, with a focus on sexual violence, gender discrimination and displacement in situations of armed conflict, the delivery of training, awareness-raising sessions and communication campaigns targeting members of ANSAs, local CSOs and key community stakeholders, young people and internal security forces. In addition, monitoring trends in the obstruction of the provision of humanitarian assistance was supported and used to inform advocacy messaging to duty-bearers and external audiences in the EU. The EU's humanitarian aid budget continues to support a UNICEF project 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, as well as developing advocacy products to advocate for the rights and effective protection of children in Syria.

In **Iraq**, the EU's humanitarian aid budget supported OCHA with a total of EUR 500 000 for humanitarian coordination and advocacy. One of the objectives is to ensure regular and effective operational coordination with the authorities and state and non-state armed groups to support humanitarian access. As the non-international armed conflict with ISIL has drawn to an end, there is a significant reduction of IHL-focused activities. The EU's humanitarian aid budget has transitioned to funding projects that support International Human Rights Law. This includes allocating a further EUR 2 million to UNHCR to provide essential legal services such as providing civil documentation. The EU's humanitarian aid budget also continues to assist legacy caseloads of persons detained during the recent conflict in Iraq. Norwegian Peoples Aid (NPA) was provided with EUR 1 000 000 to assist in improving conditions in prison for persons detained by the Government of Iraq, including a prison hosting foreign women and children accused of being affiliated with ISIS. EU humanitarian funding is provided to smaller legal actions that support engagement on missing persons and persons whose names incorrectly appear in security databases. TDH-Lausanne was provided with EUR 700 000 to assist children in conflict with the law, including children arrested under domestic terror legislation. In 2020, there was an extension of the application of terrorism laws beyond ISIL affiliation or activities.

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 23 million in humanitarian funding for Palestine in 2020. Of that amount, EUR 15 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, STC, WV, UNRWA and OCHA. 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 **Lebanon** the European Union continued to implement its support for the Country's mine action centre. There was ongoing assistance to the national authorities in their efforts to develop a human rights-based criminal justice system. Through the IcSP, the EU also continued to support the Special Tribunal for Lebanon, which is investigating Rafiq Hariri's death in 2005.

The European Union worked with **Jordan** to tackle one particular legacy of conflict through an ongoing project to control and fight against the trafficking of firearms.

In 2020, the EU maintained its support for UN agencies (including OHCHR), ICRC and INGOs working on protection, promotion of women's and children's rights and reduction of gender-based violence in **Yemen**. In this regard, EU partners provided protection services to affected populations and continued protection monitoring. The EU's funding continued to support an OHCHR project to enhance protection of human rights in Yemen through the deployment and training of additional human rights field monitors documenting and reporting on IHL/IHRL violations by all parties in all conflict-affected governorates. In addition, the EU funded a EUR 2 000 000 UNICEF action aiming at providing protection against grave child rights violations for children and pregnant and lactating women, including IDPs and host communities (in addition to a nutrition response), as well as an IOM project for direct Multi-sectorial Protection Assistance to Vulnerable Migrants of about EUR 3 million.

Across **West & Central Africa** (CAR, Chad, Cameroon, Nigeria, Niger), the EU provided support to OCHA's advocacy for humanitarian access, for the respect of humanitarian principles and the implementation of civil-military coordination.

The violence-triggered humanitarian crisis unfolding in the NW/SW regions of **Cameroon** has led to grievous IHL violations in the form of killings, forced displacement (about 711 056 IDPs were reported as of the beginning of 2021²¹) and deterioration of access. The presence of weapon bearers challenges the humanitarian space throughout these regions, leading to an increasingly fragile and dangerous environment for humanitarians to operate in. In order to address these challenges, to improve compliance with humanitarian law and human rights law and strengthen safe access to humanitarian assistance, OCHA has created a solid coordination mechanism. In 2020, OCHA's work on access encompassed three key components adapted to the complex NW/SW context: (i) access analysis and advice to partners; (ii) organisation of assessment missions in hard-to-reach areas; and (iii) advocacy for IHL compliance, notably through civil-military coordination and training of military and humanitarian staff. OCHA also continues to act as a focal point for relations with the local Government and the Government-led Humanitarian Coordination Centres (HCC) to share information, relay humanitarian advocacy and avoid duplication, while ensuring respect for humanitarian principles.

In 2020, the EU provided humanitarian assistance to **Mozambique**, combining a financial response through key implementing partners (ICRC, UN agencies and

international NGOs) with humanitarian advocacy efforts to promote compliance with international humanitarian law, full humanitarian access and protection of the population.

In **Afghanistan**, the EU's humanitarian aid budget continued to finance IHL dissemination activities to both state and non-state actors, through funding under the Afghanistan 2020 Humanitarian Implementation Plan (HIP) to the ICRC and Geneva Call (GC) as well as OCHA. The EU's humanitarian budget also supported WHO's health care in danger measures, the UNICEF/NRC/Protection Cluster (e.g. Global Coalition to Protect Education from Attacks (GCPEA)) and the Country Task Force for Monitoring and Reporting (CTFMR) (through Save the Children), for systematic collection and dissemination of data on attacks on healthcare and education facilities, health workers, health transports and patients.

Through the IcSP, moreover, the EU supported Geneva Call in Afghanistan to promote respect for humanitarian principles, in particular access to healthcare and access to medical facilities in relation to COVID-19 in Taliban controlled and contested areas.

In **Myanmar** the EU's humanitarian aid budget supported NRC with EUR 1.1 million for a project which included IHL dissemination. The EU's humanitarian aid budget also continued to support Relief International (RI), with EUR 1.4 million for 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.

The European Commission also contributed to the 2020 IHL course organised by the Multinational Peace Support Operations Training Centre (in Kilkis, Greece) as well as to the joint Netherlands-Belgian Defence Academies course (in Breda, the Netherlands).

Finally, in 2020 the European Commission released an **Enhanced Response Capacity Humanitarian Implementation Plan** that included IHL as one of its two priority areas.

21 <https://data2.unhcr.org/en/country/cmr>

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), specifically Article 29 TEU, and Article 215 TFEU, the EU continued to apply restrictive measures (sanctions) during the reporting period (2020). Sanctions are one of the tools that the EU uses to attain its CFSP objectives – to promote peace, democracy and respect for the rule of law, human rights and international law. It maintained 43 sanctions regimes in force during the reporting period.²² These consisted of 27 EU autonomous sanctions regimes, in addition to 8 UN-based and 8 ‘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.

EU restrictive measures comply with EU and international law, in particular international human rights law, international refugee law, and international humanitarian law (IHL).

EU sanctions are thus targeted, aimed at those responsible for the policies or actions the EU wants to influence. This targeted approach is intended to reduce as much as possible any adverse effects on or unintended

consequences for persons that are not targeted by these measures, in particular the civilian population. Accordingly, EU sanctions are not meant to stand in the way of the delivery of humanitarian aid since, in accordance with the Treaties, the Union has to comply with humanitarian principles stemming from IHL in its humanitarian operations. Specifically, Article 214 of the TFEU provides that ‘humanitarian aid operations shall be conducted in compliance with the principles of international law and with the principles of impartiality, neutrality and non-discrimination’. To that end, EU legal instruments laying down financial restrictions, restrictions on admission (travel bans) and other restrictive measures may provide for humanitarian exceptions. This includes provisions such as allowing the supply of certain restricted equipment and the carrying out of certain activities for the purpose of delivering humanitarian assistance and the granting of authorisations for releasing or making available funds or economic resources necessary for the purpose of providing humanitarian aid.

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:

- Over the year, the European Commission adopted and further expanded a Guidance Note for humanitarian operators on the provision of humanitarian aid to fight the COVID-19 pandemic in certain environments subject to EU restrictive measures²³. The aim is to give

²² In the previous report which covered the period from January to December 2019, it was erroneously stated that the EU maintained in force 41 sanctions regimes. In fact, the EU maintained 42 sanctions regimes during 2019.

²³ Guidance note on the provision of humanitarian aid to fight the COVID-19 pandemic in certain environments subject to EU restrictive measures, C(2020) 7983 final of 16.11.2020.

practical guidance on how to comply with EU sanctions when providing humanitarian aid, in particular medical assistance to fight the COVID-19 pandemic. So far, the guidance note covers sanctions regimes vis-à-vis Syria, Iran, Venezuela, and Nicaragua.

- In December 2020, the Council adopted a Decision²⁴ and a Regulation²⁵ concerning restrictive measures against serious human rights violations and abuses, also known as the EU Global Human Rights Sanctions Regime. The regime enables the EU to target individuals, entities and bodies – including state and non-state actors – responsible for, involved in or associated with serious human rights violations and abuses worldwide. The EU Global Human Rights Sanctions Regime comprises restrictions on admission (travel bans) as well as the freezing of funds and economic resources in the EU of natural and legal persons designated by the Council and a ban on making funds or economic resources available to any designated person. The EU Global Human Rights Sanctions Regime contains a humanitarian derogation that can be granted by a Member State's National Competent Authority where the provision of funds or economic resources is necessary for humanitarian purposes. The European Commission also published guidance²⁶ on the new regime, which focusses on the implementation of specific provisions of the Council Regulation concerning serious human rights violations and abuses, seeking to address the questions most likely to arise in the implementation of this new sanctions regime.
- The list of persons subjected to the restrictive measures of Decision (CFSP) 2018/1544 on restrictive measures against the proliferation and use of chemical weapons was amended twice.²⁷
- The arms embargoes concerning the Central African Republic (Decisions (CFSP) 2020/408 and 2020/1312), Somalia (Decision (CFSP) 2020/170), and Yemen (Decision (CFSP) 2020/490) were also amended.
- In April 2020 the Council renewed the EU's sanctions regime vis-à-vis **Myanmar**/Burma 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.

24 Council Decision (CFSP) 2020/1999 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses, OJ L 410I, 7.12.2020, p. 13–19.

25 Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses, OJ L 410I, 7.12.2020, p. 1–12.

26 Guidance note on the implementation of certain provisions of Council Regulation (EU) 2020/1998, 17 December 2020, C(2020) 9432 final of 17.12.2020.

27 Council Decision (CFSP) 2020/1466 of 12 October 2020 amending Decision (CFSP) 2018/1544 concerning restrictive measures against the proliferation and use of chemical weapons, OJ L 335, 13.10.2020, p. 16–17 and Council Decision (CFSP) 2020/1482 of 14 October 2020 amending Decision (CFSP) 2018/1544 concerning restrictive measures against the proliferation and use of chemical weapons, OJ L 341, 15.10.2020, p. 9–15.

6. ARMS EXPORTS AND ARMS CONTROLS

EXTRACT FROM THE GUIDELINES

Paragraph 16(i):

Export of arms: The Council Common Position 2008/944/CFSP defining 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, as amended by Council Decision (CFSP) 2019/1560,²⁸ which is referred to in the Guidelines. 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.

The EU also continued its outreach activities to support third countries in setting up an arms export control system, and to promote the universalisation of the Arms Trade Treaty (ATT). For example, the EU has launched in 2020 a project on arms trafficking control in Côte d'Ivoire. The project supports the Swiss NGO Coginta, for a duration of 18 months, and with an amount of EUR 2.5 million. Under Council Decision (CFSP) 2018/101²⁹ of 23 January 2018

and its successor Council Decision (CFSP) 2020/1464³⁰ of 12 October 2020 on the promotion of effective arms export controls, a number of regional workshops, study visits and individual assistance events were carried out by the German Federal Office for Economic Affairs and Export Control (BAFA), mostly in a virtual format due to the pandemic. In addition, further regional outreach activities, tailored national assistance programmes and ad hoc individual assistance workshops were carried out by BAFA and Expertise France under Council Decision (CFSP) 2017/915³¹, supporting the Arms Trade Treaty's effective implementation and universalisation.

In October 2020, the EU adopted the 22nd annual report under Article 8(2) of Council Common Position 2008/944/CFSP, providing detailed data on arms export licenses granted and denied in 2019 and thereby contributing to transparency in the arms trade. As of 2020 the annual reports are also available in user-friendly online database³², thus increasing transparency on European arms exports.

After 4 years of negotiations, on 9 November 2020 the Council and the European Parliament agreed on the modernisation of EU export controls on dual-use goods and

28 Council Decision (CFSP) 2019/1560 of 16 September 2019 amending Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment, OJ L 239, 17.9.2019, p. 16.

29 Council Decision (CFSP) 2018/101 of 22 January 2018 on the promotion of effective arms export controls, OJ L 17, 23.1.2018, p. 40–47.

30 Council Decision (CFSP) 2020/1464 of 12 October 2020 on the promotion of effective arms export controls, OJ L 335, 13.10.2020, p. 3–12.

31 Council Decision (CFSP) 2017/915 of 29 May 2017 on Union outreach activities in support of the implementation of the Arms Trade Treaty, OJ L 139, 30.5.2017, p. 38–48, as amended by Council Decision (CFSP) 2020/1134 of 30 July 2020 amending Decision (CFSP) 2017/915 on Union outreach activities in support of the implementation of the Arms Trade Treaty, OJ L 247, 31.7.2020, p. 24.

32 <https://webgate.ec.europa.eu/eeasqap/sense/app/75fd8e6e-68ac-42dd-a078-f616633118bb/sheet/ccf79d7b-1f25-4976-bad8-da886dba3654/state/analysis>

technologies. In the meanwhile, the new Export Control Regulation has been adopted³³ and, once entered into force, will introduce a legal basis for EU controls on trade in cyber-surveillance technologies to prevent human rights violations in third countries and for the publication of an 'EU Watch List' of technologies and destinations of concern. This will allow the EU to mobilise export controls more actively to protect its interest and promote human rights, in line with its foreign and security policy objectives.

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 (BTWC), the Arms Trade Treaty (ATT), 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 215 million in support of the multilateral disarmament and arms control treaty framework.

In its statement on conventional weapons of 9 October 2020 to the UNGA First Committee, the EU supported efforts to universalise and strengthen the CCW and stressed the importance of compliance with all CCW provisions and annexed protocols. The EU welcomed the outcome of the 2019 Meeting of High Contracting Parties to CCW, notably the progress in endorsing the 11 Guiding principles and the start of the 2020 Group of Governmental Experts on Lethal Autonomous Weapons Systems (GGE LAWS). Ahead of the Sixth Review Conference of the CCW to be held in 2021, the EU said it would support the GGE in the clarification,

consideration and development of aspects of the normative and operational framework for emerging technologies in the area of LAWS. The EU emphasised 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 the use of force in order to ensure compliance with International Law, in particular IHL and International Human Rights Law. The EU also welcomed the ongoing consultation process, 'Protecting Civilians in Urban Warfare'³⁴, which Ireland has launched with the aim of contributing to the drawing up of a Political Declaration to address the humanitarian harm arising from the indiscriminate and disproportionate use of explosive weapons in populated areas. The EU furthermore reiterated its support for the Convention on Cluster Munitions and its humanitarian goal and called upon all actors to refrain from the indiscriminate use of cluster munitions and to fully observe the principles of International Humanitarian Law.

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.³⁵ The Council also adopted Decisions in support of strengthening biological safety and security in Ukraine as well as in a number of countries in Latin America, and in support of the UN Secretary-General's Mechanism for the investigation of alleged use of chemical and biological weapons.³⁶

At the Organisation for the Prohibition of Chemical Weapons (OPCW) in The Hague, the European Union condemned breaches of IHL by chemical weapons attacks perpetrated by the Syrian Arab Air Force.³⁷

On 8 April 2020, the OPCW Investigation and Identification Team (IIT) released its first report, concluding that there are reasonable grounds to believe that the Syrian Arab Air Force

33 Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items, OJ L 206, 11.6.2021, p. 1.

34 <https://www.dfa.ie/our-role/policies/international-priorities/peace-and-security/ewipa-consultations/>

35 Council Decision (CFSP) 2019/97 of 21 January 2019 in support of the Biological and Toxin Weapons Convention in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction, OJ L 19, 22.1.2019, p. 11–19.

36 Council Decision (CFSP) 2019/1296 of 31 July 2019 in support of strengthening biological safety and security in Ukraine in line with the implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery, OJ L 204, 2.8.2019, p. 29–35; Council Decision (CFSP) 2019/2108 of 9 December 2019 in support of strengthening biological safety and security in Latin America in line with the implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery, OJ L 318, 10.12.2019, p. 123–133; and Council Decision (CFSP) 2020/732 of 2 June 2020 in support of the UN Secretary-General's Mechanism for investigation of alleged use of chemical and biological or toxin weapons, OJ L 172, 3.6.2020, p. 5–14.

37 Statement on behalf of the European Union delivered by H.E. Ambassador Marjolijn Van Deelen, Special Envoy for Disarmament and Non-Proliferation, at the 25th session of the Conference of States Parties to the CWC, The Hague, 30 November – 1 December 2020.

was responsible for chemical weapons use in Ltamenah, Syria, on 24, 23 and 30 March 2017. HR Borrell, on behalf of the European Union, strongly condemned the use of chemical weapons by the Syrian Arab Air Force and by anyone as a violation of international law, underlining the need for accountability and fight against impunity.³⁸

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 also make provision for the imposition of arms embargoes, in particular in relation to situations of armed conflict. Additionally, in order to support the prohibition of the use of chemical weapons laid down by the CWC, the Council extended³⁹ the application of Council Decision (CFSP) 2018/544 of 15 October 2018 concerning restrictive measures against the proliferation and use of **chemical weapons**.

38 Statement by the High Representative Josep Borrell on behalf of the European Union on the release of the first report of the OPCW Investigation and Identification Team, 9 April 2020.

39 Council Decision (CFSP) 2020/1466 of 12 October 2020 amending Decision (CFSP) 2018/1544 concerning restrictive measures against the proliferation and use of chemical weapons, OJ L 335, 13.10.2020, p. 16–17.

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 17 civilian and military EU crisis management missions and operations promoting peace and security, under the EU's Common Security and Defence Policy (CSDP). During the reporting period, the EU was conducting 11 civilian missions and 6 military missions and operations. A regional advisory and coordination cell (RACC) was also deployed to the field.

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

MILITARY MISSIONS AND OPERATIONS

Respect for IHL is implied in the mandates and operational *modus operandi* of all CSDP military missions and operations. The non-executive EU Training Missions EUTM Somalia, EUTM Mali and EUTM Central African Republic also have an explicit reference in their mandates to the promotion of IHL.

The EU Training Missions promote the obligations under international law, especially IHRL and IHL, in their training and education activities. The prevention of and protection against sexual and gender-based violence and IHL must be included in the curricula of every course and training module delivered and/or mentored by the missions. IHRL

and IHL considerations are included in advice provided to host nation authorities on defence policy.

EUTM Mali further developed the educational curricula in the field of IHL. Most IHL training has focused on giving Malian Armed Forces the basic knowledge regarding the Law of Armed Conflict (LOAC) and basic principles of IHL (Distinction, Proportionality, Precaution, and Military Necessity), in Bamako, Sévaré and Gao. The different training materials used are scenario-based exercises (SBX), case studies, lectures and Training Exercise with Troops (TEWT). This resulted in a considerable increase in the amount of IHL training provided.

In **EUTM RCA**, educational activities put an emphasis on reconciliation between the population and the Armed Forces, mainly through classes on international humanitarian law, Prevention of Sexual Violence (PSV), leadership and ethics.

The mission's training for troops, including senior ranks, must include a focus on human rights and humanitarian law including the protection of civilians, children affected by armed conflict, gender equality and women, peace and security. To facilitate integration and training on these issues, the mission should include thematic expertise on human rights and gender, and work in cooperation with partners and civil society.

In the case of EUTM RCA, there is a long-standing cooperation between the mission and the representation of the International Committee of the Red Cross (ICRC),

the United Nations Mine Action Service (UNMAS), the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and other actors present in the mission area in the field of training (for their own troops or for the Central African Armed Forces). Training curricula for EUTM RCA personnel (during induction training) as well for all courses provided to armed forces personnel (officers, non-commissioned officers, specialists or recruits) include classes on IHL.

Strategic advice, training and educational activities provided by the Mission include application of IHL and IHRL, protection of civilians and cultural heritage, mainstreaming of gender and prevention of sexual violence in conflict.

The Training Team in **EUTM Somalia** continued to provide IHL and Women and Child protection in Armed Conflicts modules in all courses delivered to the Somali National Armed Forces. In total, around 230 members of the Somali National Armed Forces were trained on IHL regulations and obligations.

IHL courses were also delivered by the UNSOM's 'Protection of Women and Child in Conflicts' Office in Mogadishu via Distance Learning System (DLS), in some cases in collaboration with the ICRC offices in Mogadishu, Nairobi and London.

EUTM Somalia continued its Train-the-Trainer courses in order to initiate the Somali Owned Training System, and collaborated with Darwish Police Units, UNMAS, ICRC and other UN organisations to provide international humanitarian law lessons.

CIVILIAN MISSIONS

Several civilian missions (EUCAP Somalia, EUAM CAR, EUCAP Sahel Niger, EUMM Georgia) have specific references to the promotion of IHL in their mandates. The other civilian missions have some level of engagement with IHL, even if not explicitly indicated in their mandates.

In December 2020, the Council of the European Union extended the mandate of **EUCAP Somalia** until 2022. The current mandate continues to state that the Mission should '...incorporate and comply with human rights, international humanitarian law, international criminal law and gender equality principles'. EUCAP Somalia contributed to raising awareness of human rights, IHL and refugee law in pre-deployment training for the Somali Federal Darwish Police Force. The Mission also contributed, in collaboration with the EU institutions and other international partners, to the annual gender-based violence campaign.

The **EU Advisory Mission in the Central African Republic (EUAM CAR)** was established in December 2019 with the aim of providing advice at the strategic level to the Ministry of Interior and Public Security and to the Internal Security Forces of CAR. The Mission's mandate states: 'EUAM RCA will contribute to extending the scope of human security by prioritising respect for gender equality, human rights and

international humanitarian law, as well as the protection of civilian populations.'

The Mission's Communication Strategy also refers to IHL: 'EUAM RCA shall promote the implementation of international humanitarian law and human rights, as well as the protection of civilians, gender equality and the prohibition of discrimination by the Internal Security Forces of the Central African Republic, in particular discrimination on the basis of ethnic origin or religious belief.'

In 2020, EUAM RCA organised a presentation on Human Rights Principles for high-level CAR Police and Gendarmerie, UN, EUDEL, EUTM and National Human Rights Commission representatives, in which basic IHL principles were addressed.

EUAM Iraq (the civilian EU Assistance Mission in Iraq) was established 'to respond to the Iraqi request for advice and assistance to support the implementation of the Iraqi National Security Strategy (NSS) and the civilian aspects of Security Sector Reform work'. As mentioned in its Operational Plan, the policies and plans developed with the support of the Mission will be compliant with international law, including IHRL, IHL and international refugee law, CEDAW and the United Nations Security Council Resolutions on Women, Peace and Security (WPS).

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).

The Mission 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 implementation of the National Preventing/Countering Violent Extremism (P-CVE) Strategy, which was adopted in February 2019 by the National Security Council of Iraq and which includes humanitarian law aspects.

The Mission also provided advice to 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 2020, the Mission advised Iraqi counterparts in the Ministry of the Interior, the International Partners and Civil Society on the second Iraqi National Plan of Action on Women, Peace, and Security (INAP2), which was launched in December 2020, and continues to be involved in its further roll-out.

The work with Iraqi civil society includes elements of IHL in relation to aspects of civilian SSR in the context of the

ongoing non-international armed conflict and the other crises, including COVID-19, that hit the country.

The mission was in close contact with the Iraq High Commission for Human Rights (IHCHR) to monitor the development of the human rights and IHL situation in Iraq. IHL is also part of the Mission's Induction and Human Rights and Gender Trainings.

The civilian CSDP mission **European Union Monitoring Mission in Georgia (EUMM Georgia)** has explicit references to IHL in its mandate, including playing an active role in promoting human rights, gender equality and respect for IHL as well as monitoring, analysing and reporting on violations of IHRL and IHL. In that context, the Mission continued to monitor the overall human rights situation of the conflict-affected population in Georgia, reporting on those issues and supporting dialogue between the parties on the ground in finding solutions to the human security challenges of the conflict-affected communities across the Administrative Boundary Lines that are fully informed by both IHRL and IHL. In this light, the Mission' monitors received continuous training on the applicable IHRL and IHL.

EULEX Kosovo is a civilian rule of law mission operating in peacetime. The Mission's activity related to IHL is monitoring war-crimes cases and trials in Kosovo's criminal justice system. In 2020 EULEX continued to support the Kosovo Police War Crimes Investigation Unit in developing a database, which will enable war-crimes investigators to organise large amounts of data, efficiently manage complex war-crimes cases and prepare them for prosecution. In October 2020, the Mission launched its first ever public Systemic and Thematic Justice Monitoring Report including its findings on war-crimes cases as well as specific recommendations for the Kosovo authorities to improve the justice system.

The **RACC (Regional Advisory Coordination Cell for Security and Defence in the Sahel)** supports the G5 Sahel structures and countries to enhance regional cooperation and operational capabilities in the field of defence and security, in compliance with IHL, IHRL, and the EU Strategic

Approach to Women, Peace and Security set out by the Council in its conclusions of 10 December 2018.

A pre-deployment training event was organised in 2020 for the new G5 Sahel Joint Force HQ staff, this year in Mali, where IHL was fully integrated into the training. The RACC coordinated the training course, while the IHL components were managed by OHCHR staff from the Compliance Framework programme financed by the EU.

As a follow-up to the 2019 G5 Sahel workshop on 'Legalization of military operations' a training course was designed by the G5 Sahel and OHCHR (Compliance Framework) in collaboration with the RACC. The training includes IHL modules and focuses on improving operational issues regarding the penal chain, in particular the collaboration between the military and police units, as well as inter-country collaboration in the border areas.

All members of the **EU Border Assistance Mission to Libya (EUBAM Libya)** receive training on human rights and gender mainstreaming within the mission's line of operations, which also includes an overview of IHL principles and context in Libya. Within its coordination, advocacy and leadership role, EUBAM Libya convenes and facilitates, on a monthly basis, the International Technical Coordination Groups on both Transitional Justice and Forensics (two separate groups bringing together relevant international actors on both topics), which produce joint planning and recommendations to strengthen efforts on transitional justice and forensics capacity building in Libya. The technical meetings are coordinated with the Berlin Process International Humanitarian Law and Human Rights Working Group, and contribute to the latter with technical recommendations. The technical meetings also provide support to the relevant Libyan authorities in terms of technical advice and guidance on transitional justice and forensics.

8. INTERNATIONAL CRIMINAL TRIBUNALS AND MECHANISMS

The EU continued its efforts to help ensure accountability, in particular for the most serious crimes under international law, and to help victims of atrocities to achieve justice. The EU provided political, diplomatic and financial support to the **International Criminal Court (ICC)**. The EU also supported other **international criminal tribunals and ad hoc national tribunals**, as well as truth and reconciliation commissions and redress mechanisms to protect the rights of victims to justice and reparation.

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/CFSP⁴⁰ and further operationalised in the Action Plan following up on this 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 in Annex II (Section D).

EU action in support of the ICC focused on helping the Court to counter the external attacks, in particular through EU statements and interventions in support of its independence as well as other advocacy activities. The EU has also intensified its cooperation and exchange of information with the ICC.

The EU continued to promote the universality of the Rome Statute, in particular during its human rights dialogues and through its annual démarche campaign encouraging the

ratification of, or accession to, the Rome Statute of the ICC.

A specific clause to this effect has also been included in agreements concluded with third countries. For instance, the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part, which was concluded on behalf of the Union by Council Decision of 20 January 2020⁴¹, contains the following provision:

Article 8

Serious crimes of international concern

The Parties reaffirm that the most serious crimes of concern to the international community as a whole should not go unpunished and that their prosecution should be ensured by taking measures at the domestic or international level, including through the International Criminal Court.

Giving due regard to preserving the integrity of the Rome Statute, the Parties agree to conduct a dialogue on, and shall

⁴⁰ Council Decision 2011/168/CFSP of 21 March 2011 on the International Criminal Court and repealing Common Position 2003/444/CFSP, OJ L 76, 22.3.2011, p. 56; Action Plan to follow-up on the Decision on the International Criminal Court, ST 12080/11, Brussels, 12 July 2011.

⁴¹ OJ L 52, 25.2.2020, p. 1. The agreement itself was published together with the decision on its signing and provisional application, in OJ L 29, 4.2.2016, p. 3.

seek to take steps towards universal adherence to, the Rome Statute in accordance with their respective laws, including provision of assistance for capacity building'.

Support for the ICC has also continued in multilateral and regional forums such as the UN Security Council, the UNGA and the HRC, as well as in the context of the African Union.

The EU financial support to the ICC aimed at broadening the understanding of the ICC and the Rome Statute amongst the key stakeholders, and reinforcing national capacities in dealing with crimes under the Rome Statute. The main activities include seminars, events and training aimed at fostering cooperation, sharing expertise and building national capacity; the placement 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 directly contributed to the ICC's outreach activities with an annual budget of EUR 1 million. The overall objective of this action is to continue support for and cooperation with the ICC. The specific objectives are: 1) to keep broadening the understanding of the ICC and the Rome Statute amongst the key stakeholders, in particular ICC States Parties and legal professionals, and achieve greater support 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.

Financial support was provided to civil society organisations advocating the universality of the Rome Statute. The EU supported, in particular, the work of Parliamentarians for Global Actions, a network of about 1,300 legislators in over 140 elected parliaments around the world, and of the Coalition for the International Criminal Court, a global civil society network of over 2,500 member organisations in 150 countries. Civil society organisations were also regularly invited to make presentations in meetings of the EU on the ICC.

In 2020, the project 'Parliamentary Campaign for the Effectiveness and Universality of the Rome Statute (RS) of the International Criminal Court (ICC) System', implemented by Parliamentarians for Global Action (EU contribution EUR 1.12 million) was hailed for its outreach efforts on ratification of and compliance with the Rome Statute.

The EU's support for the ICC is part of wider EU efforts to ensure that perpetrators of the most serious crimes under international law are held accountable for their actions. In line with the principle of complementarity, the EU also provided support to the national criminal justice systems of a number of countries, including Afghanistan, the Democratic Republic of Congo, Myanmar, Georgia, Côte d'Ivoire, Kenya, Guinea, Mali and Uganda.

In **Colombia**, interventions under the EU Instrument contributing to stability and peace (IcSP) served to emphasise the EU's firm commitment to the peace process in its comprehensive and integrated approach to the rights of victims to truth, justice, reparations and guarantees of non-repetition. Accordingly, throughout 2020, a total of five IcSP projects for an approximate total value of EUR 14 720 720 were implemented to continue supporting the implementation of the peace agreement. These include, inter alia, support for the Special Jurisdiction for Peace - JEP (EUR 3 467 097), the Truth Commission (EUR 4 500 000) and the Missing Persons Unit (EUR 3 230 000), as well as the Prosecutor General's Office (EUR 2 000 000).

In the **Central African Republic**, the EU committed EUR 4.5 million in support of the establishment and activities of a **Special Criminal Court**, as part of a wider support to the justice system. The EU is stepping up its support for the national judiciary following the signature of an Agreement for Peace and Reconciliation and the adoption of a new sectoral strategy on justice. It also ensures close coordination with **CAR** and international counterparts, including UNDP and MINUSCA, in the efforts to fight impunity. The EU has also been supporting Columbia Law School and the *Institut Médico-Légal Argentin* in their role of investigating mass graves, collecting evidence of war crimes and identifying victims to let families mourn for their lost relatives, within the Central African legal framework (judicial requests by competent jurisdictions).

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

In **Iraq**, the EU is strengthening Iraqi capacity to document crimes committed by Da'esh. Further actions aim at providing ground for reconciliation.

Similarly, in **Syria**, the EU supports the efforts of the International, Impartial and Independent Mechanism (IIIM) established by UNGA resolution 71/248 (2016) to assist in the investigation and prosecution of the most serious crimes under international law committed in Syria since March 2011.

On the fight against impunity for serious violations of IHL, the EU has continued its support for a regional action in the **Western Balkans** taken forward by the International Residual Mechanism for Criminal Tribunals (IRMCT). The action targets a reduction in the backlog of war crimes cases at a domestic level and increases public awareness and understanding of the crimes committed during the 1990s conflicts on the territory of the former Yugoslavia. The action strengthens the rule of law and, ultimately, contributes to good neighbourly relations and reconciliation. The EU contributes EUR 1 million annually to this action.

The EU also continued its support for a number of international criminal tribunals and mechanisms, including the Special Criminal Court in the Central African Republic,

the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, the Special Tribunal for Lebanon, and the UN International Residual Mechanism for Criminal Tribunals, which is mandated to perform a number of essential functions previously carried out by the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia.

For example, through the IcSP, the EU has been providing support to the **Special Tribunal for Lebanon**, which is investigating Rafiq Hariri's death in 2005, bringing the EU contribution since its creation to EUR 52.5 million (5 million were disbursed in 2020).

In November 2020, the European Union approved a contribution of EUR 5 million to support the international and national components of the **Extraordinary Chambers in the Courts of Cambodia** (ECCC) as well as to support an awareness and education programme on Khmer Rouge history in Cambodia.

9. CONCLUSION

During the reporting period, and despite the serious and complex challenges posed by the COVID-19 pandemic, the EU has maintained unwavering efforts to actively promote respect for IHL across the various areas covered by the Guidelines. This has been carried out through the EU's 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 three reports, the aim of this document is to give a concise, coherent, transparent, and factual 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 at the disposal of the EU in its relations with third countries, as established in the Guidelines.

As a widespread lack of compliance with IHL, including deliberate breaches of IHL, continues to plague contemporary armed conflicts, domestic implementation of relevant international instruments plays a central role in terms of fulfilling obligations under IHL. It should therefore be noted that this report, in addition to its twofold purpose quoted in its Introduction, fulfils one of the tasks mentioned in the action plan for the implementation of a pledge submitted by the EU and its Member States at the 33rd International Conference of the Red Cross and Red Crescent: 'Strengthening compliance with international humanitarian law (IHL) through its promotion, dissemination and implementation'.

In 2020, the EU institutions and bodies put IHL at the centre of several public statements, as well as political dialogues and demarches. Efforts have continued to be made to ensure that EU restrictive measures are used as effective tools for maintaining and restoring international peace and security and for upholding respect for human rights, democracy, the rule of law and good governance.

The EU has continued to actively support the ICRC in pursuing its mandate under the 1949 Geneva Conventions, including by continuing 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 considered when disbursing funds from the EU's humanitarian aid budget. For example – and as shown in the report –, as co-chair of the GHD initiative, the EU has focused 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. During the reporting period, IHL-related exchanges in this context focused mainly on access impediments to humanitarian aid in the context of the COVID-19 pandemic.

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, engaging constructively with States, international organisations, non-governmental organisations and other relevant international actors in seeking to promote respect for IHL, including in view of challenges such as the application of IHL in cyberspace and the protection of the environment in relation to armed conflicts.

The EU also continued to support several IHL-related projects. Among others, the EU continued to support dedicated humanitarian operations, such as the 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 of 25 November 2019 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. In the case of non-state actors, given their increasing presence and importance in contemporary armed conflicts, much of the EU action also relates to negotiations for supporting humanitarian access to territories and populations under their control.

The EU also supported several organisations in various contexts on the promotion of respect for IHL, including in Ukraine, Iraq, Syria, Yemen, the Democratic Republic of Congo, Nigeria and Myanmar.

The EU also continued its many efforts to ensure accountability, especially for the most serious crimes under international law, and to support victims of atrocities in achieving justice. Among other important actions, the EU provided political, diplomatic, and financial support to the ICC and other international criminal justice mechanisms.

All the actions undertaken by the EU and its Member States during the reporting period highlight that IHL remains a clear priority, being as relevant today as ever. They emphasise the importance of every effort 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, as well as the natural environment and cultural heritage.

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 ⁴²
1.	Declaration of the European Council on the situation in Idlib	21.02.2020	'The EU urges all parties to the conflict to fully respect their obligations under international humanitarian law and international human rights law and to allow unimpeded and direct humanitarian access to all those in need. [...] Accountability for violations of international humanitarian and human rights law is of utmost importance. For this reason the EU reiterates its call for the situation in Syria to be referred to the International Criminal Court.'
2.	European Council meeting (10 and 11 December 2020) – Conclusions	11.12.2020	'The EU recalls the offer to support the Libyan Coast Guard through training and monitoring as well as the provision of equipment and vessels, in accordance with international law, including international humanitarian law .'

⁴² In all extracts, emphasis using bold has been added.

2. COUNCIL CONCLUSIONS

SUBJECT	DATE	EXTRACT
1. Council Conclusions on EU Priorities in UN Human Rights Fora in 2020	17.02.2020	<p>'Preventing, combatting and prosecuting all forms of sexual and gender-based violence and discrimination, including domestic violence, ensuring victims' and survivors' physical and psychological integrity and access to legal remedies, and holding perpetrators accountable is at the very centre of EU development and humanitarian action in all situations, including conflict and post-conflict situations.</p> <p>The EU calls on all states, to ensure that the response to terrorist crimes are in full compliance with international law, in particular international human rights law, humanitarian law and international refugee law. The EU will continue to support references to human rights and international human rights law in the review of the implementation of the UN global counter-terrorism strategy.</p> <p>The EU will continue calling on all states to uphold international humanitarian law (IHL) and human rights law, including in Cyberspace and to ensure full, timely and unhindered countrywide access for the delivery of humanitarian aid to populations in need and the effective protection of humanitarian and medical workers. It will continue following closely in that respect, the situation in the Crimean Peninsula, illegally annexed 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 IHL, Libya, Yemen, and Syria where in light of recent military actions in the last twelve months all parties to the conflict remain bound to respect and uphold IHL. The EU will continue calling for unhindered access for human rights monitoring mechanisms in the Georgian breakaway regions of Abkhazia and South Ossetia, the Crimean Peninsula illegally annexed by the Russian Federation and areas of eastern Ukraine currently not under the control of the Government. The EU will continue to support the collection of evidence and documentation of all violations of IHL and violations and abuses of international human rights law, in particular systematic, widespread and gross violations and abuses of human rights that may amount to genocide, crimes against humanity, or war crimes, for purposes of the investigation and prosecution of those responsible.'</p>
2. Statement of the Foreign Affairs Council - Consilium (europa.eu)	06.03.2020	<p>'While the European Union recognises the presence of UN-designated terrorist groups in the region, indiscriminate attacks and the destruction of civilian infrastructure including health facilities, schools and settlements for displaced persons by the Syrian regime and its allies cannot be justified under any circumstances and must stop. We reiterate the EU position that all the perpetrators of war crimes and crimes against humanity should be held accountable.'</p>

	SUBJECT	DATE	EXTRACT
3.	Council Conclusions on Afghanistan	28.05.2020	<p>'Incidents of violence against civilians by both parties have also continued and are unacceptable and in violation of international humanitarian law, exacerbating humanitarian needs and profoundly undermining the confidence and trust necessary for these negotiations. The EU strongly condemns attacks on humanitarian and medical personnel and facilities, including the horrific attack at the Dasht-e-Barchi hospital in Kabul of 12 May.</p> <p>[...]</p> <p>The EU will continue to provide need-based humanitarian assistance to the Afghan people, in line with humanitarian principles, and calls on all actors to fully respect international humanitarian law including by allowing safe and unhindered humanitarian access; aid delivery is limited, unsustainable and inefficient during conflict.</p> <p>The EU expects that the political process leads to an Afghanistan that, as a signatory of the UN Charter, upholds and promotes the values, rights and principles enshrined therein, and does not constitute a threat to international peace and security.</p> <p>[...]</p> <p>This should notably encompass genuine commitments on: ensuring the continuity of the Afghan State and of its international obligations; fighting and preventing terrorism and armed groups, drug production and trafficking, and human trafficking, the rule of law, including a fair and transparent justice system, addressing the root causes of and managing irregular migration; tackling regional instability; striving for poverty eradication; preventing radicalisation leading to violent extremism; and fighting against the impunity of violations of human rights and international humanitarian law.'</p>
4.	Team Europe Global Response to COVID-19 - Council conclusions	05.06.2020	<p>'The Council welcomes the Team Europe policy priorities namely: (i) the emergency response to the immediate health crisis and related humanitarian needs; (ii) the strengthening of health systems and water and sanitation systems as well as reinforcement of partners' preparedness and response capacity; and (iii) the immediate support to attenuate the social, economic and political consequences of the crisis. In this regard, the Council stresses that all emergency measures must respect international and humanitarian law as well as humanitarian principles, while ensuring a strong gender equality perspective at all levels.'</p>

SUBJECT	DATE	EXTRACT
5. Council Conclusions on EU External Action on Preventing and Countering Terrorism and Violent Extremism	15.06.2020	<p>'Recalling its conclusions on EU priorities in UN Human Rights Fora of 17 February 2020, the Council stresses that all counter-terrorism measures must be conducted in full compliance with EU core values, including the rule of law, and in full compliance with international law, in particular international human rights law, humanitarian law and international refugee law. To this end, the EU will continue to proactively support and promote human rights and the principles of international law, in all aspects of the global counter-terrorism efforts and in all its strategic partnerships, including in the regular reviews of the UN Global Counter-Terrorism Strategy.</p> <p>The Council stresses the importance of a criminal justice approach to terrorism and the need to strengthen the human rights-compliant criminal justice chain worldwide, including security services, investigations and prosecutions, in compliance with the relevant international law, including international human rights law, international refugee law and international humanitarian law.</p> <p>[...]</p> <p>Recalling its conclusions on humanitarian assistance and international humanitarian law of 25 November 2019, and in line with UNSCR 2462 (2019), the Council recognises the need to take into account the potential effect of counter-terrorism measures, including sanctions, on humanitarian action. The Council calls for the avoidance of any potential negative impact of counter-terrorism measures on exclusively humanitarian activities, including medical activities, that are carried out by impartial humanitarian actors in full compliance with humanitarian principles and international humanitarian law. To that end, the Council reaffirms its continued commitment to preserving the humanitarian space, including inter alia through the development of best practices and the adoption of appropriate mitigating measures.'</p>
6. Africa - Council conclusions	30.06.2020	<p>'The EU places a particular focus on promoting and ensuring respect for human rights and international humanitarian law, including principled humanitarian access. The EU supports a human rights-based integrated approach, which includes addressing the root causes of instability and acting at all stages of the conflict.'</p>

	SUBJECT	DATE	EXTRACT
7.	EU priorities at the United Nations and the 75th United Nations General Assembly, September 2020 - September 2021 - Council conclusions	13.07.2020	<p>'This is also a crucial moment to sharpen the focus on our common priorities, from human rights to conflict prevention, from climate and sustainable development to digital. Preserving the humanitarian space and ensuring respect for international humanitarian law and humanitarian principles will remain equally important.</p> <p>[...]</p> <p>The EU strongly supports the appeal by the UN Secretary-General for a global ceasefire and reiterates the need to advance political solutions to today's complex and protracted conflicts – not only during the pandemic but also in its aftermath – as well as to ensure unimpeded access for principled humanitarian aid. We will continue to call on all parties to conflicts to comply fully with International Humanitarian Law.</p> <p>[...]</p> <p>The prevention of radicalisation leading to violent extremism and terrorism continue to be high priorities for the EU. The EU is committed to strengthen the UN's efforts to address the global threat of terrorism in full compliance with international law, including international human rights law, international humanitarian law and international refugee law, in line with the UN Global Counter-Terrorism Strategy. In a post-COVID era, a human rights-based approach and prevention is key to avoid fuelling further radicalisation leading to violent extremism and terrorism. More efforts, including through humanitarian exemptions, are needed to ensure that sanctions and counter-terrorism measures do not impede the delivery of principled humanitarian assistance.</p> <p>[...]</p> <p>The EU will promote the full application of existing international law, including international human rights law and international humanitarian law, in cyberspace.'</p>
8	EU Action Plan on Human Rights and Democracy 2020-2024 – Council Conclusions – EU Action Plan	17.11.2020	<p><u>Council Conclusions</u></p> <p>'With this Action Plan, the Council reaffirms the European Union's strong commitment to further advancing universal values for all. Respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights will continue to underpin all aspects of the internal and external policies of the European Union.'</p> <p><u>EU Action Plan on Human Rights and Democracy 2020-2024</u></p> <p>'Achieving the objectives will require the systematic, and coordinated use of the full range of instruments at the EU's disposal including:</p> <p>[...]</p> <p>advocacy for ratification and implementation of key international human rights treaties, including core labour rights conventions, main instruments of international humanitarian law, as well as relevant regional human rights instruments;</p> <p>[...]</p>

1. PROTECTING AND EMPOWERING INDIVIDUALS

[...]

1.1 Protecting people, eliminating inequalities, discrimination and exclusion

d. Enhance efforts to ensure the protection of civilians in armed conflicts, including civilian and humanitarian infrastructure, and work towards the implementation and further the **dissemination of international humanitarian law**, i.[e]. through cooperation with regional and national actors.

[...]

1.6 Closing the accountability gap, fighting impunity and supporting transitional justice

[...]

d. Engage with international and hybrid criminal tribunals and with UN mechanisms mandated to support the collection, consolidation, preservation and analysis of violations of **international humanitarian and human rights law**.

2. BUILDING RESILIENT, INCLUSIVE AND DEMOCRATIC SOCIETIES

[...]

2.4 Reinforcing a human rights and participative approach to conflict prevention and crisis resolution

[...]

g. Develop EU human rights due diligence policy to ensure that EU security sector support, including in the context of CSDP missions and operations, is in compliance with **human rights law and international humanitarian law**, where applicable.

h. Continue to provide dedicated IHL modules in training third countries' armed forces through EU military training missions and include dedicated child protection modules where relevant.

3. PROMOTING A GLOBAL SYSTEM FOR HUMAN RIGHTS AND DEMOCRACY

3.6 Compliance with international human rights and international humanitarian law

[...]

c. Continue to advocate for and support initiatives to strengthen compliance with **international humanitarian law and safeguard humanitarian space**. Ensure the implementation of the EU's positions, as defined by the Council, **on international humanitarian law and international criminal justice** and strengthen the visibility and coherence of EU action in this regard, including through strategic outreach and knowledge transfer.'

	SUBJECT	DATE	EXTRACT
9.	Council Conclusions on EU Peace Mediation	07.12.2020	'The Council stresses the EU's commitment to upholding and strengthening the rules-based international order, with the United Nations at its core, and ensuring effective multilateralism based on the respect for international law norms and principles, international humanitarian law , protection of human rights and fundamental freedoms, also through human rights education.'

3. STATEMENTS BY THE HIGH REPRESENTATIVE (HR)

	SUBJECT	DATE	EXTRACT
1.	Statement by the High Representative Josep Borrell on Israeli settlement announcements	24.02.2020	<p>'The Israeli authorities have announced an imminent decision regarding settlement construction in the Givat Hamatos and Har Homa neighbourhoods in East Jerusalem. Such steps would be deeply detrimental to a two-state-solution.</p> <p>[...]</p> <p>Settlements are illegal under international law. The EU will not recognise any changes to the pre-1967 borders, including with regard to Jerusalem, other than those agreed by the parties. We call on Israel to reconsider these plans.'</p>
2.	Statement by the High Representative Josep Borrell on the Israeli announcement of construction plans in the West Bank (Area E1)	28.02.2020	'The EU reiterates its call on Israel to halt settlement construction, to suspend the publication of tenders and to refrain from any measures aimed at the advancement of such construction plans. Settlements are illegal under international law.'
3.	Syria: Statement by the High Representative/Vice-President Josep Borrell	01.03.2020	'We also have to continue mobilising resources to reduce the suffering of the civilian population to provide shelter, food and medicine. And EU member states also continue to do their part. Humanitarian access needs to be ensured, including to the most remote areas, where the most vulnerable people are. I underlined this in all my contacts over the past days.'
4.	Declaration by the High Representative Josep Borrell Fontelles, on behalf of the European Union, on the Autonomous Republic of Crimea and the city of Sevastopol	16.03.2020	<p>'Six years on from the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, the European Union remains steadfast in its commitment to Ukraine's sovereignty and territorial integrity.</p> <p>The European Union reiterates that it does not recognise and continues to condemn this violation of international law. It remains a direct challenge to international security, with grave implications for the international legal order that protects the territorial integrity, unity and sovereignty of all States.'</p>

	SUBJECT	DATE	EXTRACT
5.	Declaration by the High Representative Joseph Borrell, on behalf of the European Union, on the situation in Libya	27.03.2020	<p>'We urge all the relevant Libyan actors to immediately stop the fighting and engage in reaching a political solution to the crisis. [...]</p> <p>We condemn the use of civilian infrastructure for military purposes and call on all parties to respect human rights and international law. A truce would facilitate taking all the necessary steps to protect the Libyan population and the most vulnerable in the country, including the Libyan IDPs as well as migrants, refugees and asylum seekers in the detention centres, for whom the possible spread of the virus could have further catastrophic consequences.'</p>
6.	Yemen: Statement by the Spokesperson on the continued hostilities	30.03.2020	<p>'The European Union therefore reiterates the statement issued by the UN Special Envoy Martin Griffiths on the need for an immediate halt of armed confrontations and calls on the parties to seize this moment's potential for de-escalation and use it to establish a formal ceasefire.'</p>
7.	Libya: Statement by the Spokesperson on the hospital attack in Tripoli	08.04.2020	<p>'The shelling of medical facilities in Libya such as Tripoli's Al Khadra General Hospital on Tuesday, causing injuries and damages to the functionality of this medical facility, including its maternity and intensive care units, is unacceptable and must stop.</p> <p>This attack is even more deplorable at a moment when Libya is facing the difficult circumstances around the coronavirus crisis and should be united in containing the outbreak. All parties should respect their obligations under international humanitarian law and protect those most vulnerable as well as the healthcare workers and crucial medical infrastructure.'</p>
8.	Declaration by the High Representative Josep Borrell on behalf of the EU on the release of the first report of the OPCW Investigation and Identification Team	09.04.2020	<p>'Accountability is essential to prevent the re-emergence of chemical weapons. The use of chemical weapons by anyone – be it a State or a non-State actor – anywhere, at any time and under any circumstances is a violation of international law and can amount to the most serious of international crimes - war crimes and crimes against humanity.'</p>
9.	Declaration by the High Representative, on behalf of the European Union, on the recent attacks in Tripoli	08.05.2020	<p>'The European Union condemns in the strongest possible terms the latest indiscriminate series of shellings and attacks against civilians attributable to Haftar's forces, which in the night of 7 May hit a number of residential neighbourhoods in Tripoli, including in proximity of the diplomatic representation of Italy, killing at least 5 innocent civilians and injuring many more.[...]</p> <p>We underline that any kind of indiscriminate strike against civilians and civilian infrastructure is unacceptable and runs counter to the respect for human life and international humanitarian law.'</p>

	SUBJECT	DATE	EXTRACT
10.	Declaration by the High Representative, on behalf of the European Union, on Libya	12.05.2020	'The European Union demands that all parties act responsibly and immediately cease the fighting all over Libya, which is first and foremost affecting civilians, including migrants, and is placing them at even greater risk. It urges all parties having committed to a truce and a negotiated ceasefire to follow-up on these commitments. It also reminds the parties that they must respect international law, including international humanitarian law , and that those who violate it will be held accountable.'
11.	Ukraine: Spokesperson statement on the sentencing of Crimean Tatars by a Russian court	18.09.2020	'The European Union does not recognise the enforcement of Russian legislation in Crimea and the city of Sevastopol as it is illegal under international law, nor the transfer of Ukrainian citizens from Crimea to courts in Russia. The EU calls on Russia to reverse these decisions and to release all illegally detained Ukrainians without delay.'
12.	Ukraine: Statement by the Spokesperson on the attempted conscription by Russia in Crimea	15.10.2020	<p>'The Russian Federation is carrying out forced military conscription of residents in the illegally-annexed Autonomous Republic of Crimea and the city of Sevastopol.</p> <p>This is part of continued efforts to undermine Ukraine's sovereignty and territorial integrity, with further attempts to forcibly integrate the illegally-annexed Crimea and Sevastopol into Russia, and is a violation of international humanitarian law. The Russian Federation is bound by international law, and obliged to ensure the protection of human rights in the peninsula.'</p>
13.	Declaration by the High Representative on behalf of the EU on the announcement of a Ceasefire Agreement in Libya	25.10.2020	'The European Union and its Member States now encourage the Libyan parties to fully and immediately implement the Ceasefire Agreement. The European Union and its Member States call on all international and regional actors to support the Libyan efforts unequivocally, refrain from foreign interference in the Libyan conflict and stop the violations of the UN arms embargo in full respect of the relevant UN Security Council resolutions. All foreign fighters and mercenaries must withdraw immediately. All foreign intervention is unacceptable. On its side, the European Union stands ready to support the implementation of the Ceasefire Agreement with concrete actions, in accordance with the UN Security Council decisions.'

	SUBJECT	DATE	EXTRACT
14.	Nagorno Karabakh: Statement by the Spokesperson on recent attacks targeting civilians	28.10.2020	<p>'The European Union finds it unacceptable that after three agreements brokered by Russia, France and the United States on a ceasefire, the fighting in and around Nagorno Karabakh still continues and there are more and more reports of civilians being targeted.</p> <p>The European Union reminds the sides to the conflict of their obligations to protect civilian lives under international humanitarian law. The European Union urges the sides to engage in substantive negotiations on a peaceful settlement of the Nagorno Karabakh conflict without delay, as last agreed in Washington on 25 October.'</p>
15.	Afghanistan: Statement by the Spokesperson on the attack against Kabul University	02.11.2020	<p>'This terrorist attack marks the second assault on an educational institution in Kabul in fewer than ten days, following the attack in Dasht-e-Barchi on 24 October. Such acts not only deliberately target innocent civilians, mostly young people, but constitute attacks against Afghanistan's future. The students of today are the leaders of tomorrow.</p> <p>Targeting innocent civilians is a breach of International Humanitarian Law and the perpetrators must be held to account. We call for all attacks to cease immediately.'</p>
16.	Syria: Declaration by the High Representative on behalf of the EU on the refugee conference in Damascus	10.11.2020	<p>'The European Union is of the view that the priority at present is real action to create conditions for safe, voluntary, dignified and sustainable return of refugees and internally displaced persons to their areas of origin, in line with international law and the Protection Thresholds and Parameters for Refugee Return to Syria, as issued by the UN in February 2018, with the UNHCR enjoying full and unhindered access throughout Syria. As such, the conference is premature.</p> <p>While the decision to return must always be an individual one, conditions inside Syria at present do not lend themselves to the promotion of large-scale voluntary return, in conditions of safety and dignity in line with international law. The limited returns that have taken place illustrate the many obstacles and threats still faced by returning internally displaced persons and refugees, in particular forced conscription, indiscriminate detention, forced disappearances, torture, physical and sexual violence, discrimination in access to housing, land and property as well as poor or inexistent basic services.'</p>

	SUBJECT	DATE	EXTRACT
17.	Statement by High Representative Josep Borrell on settlement expansion in Givat Hamatos	15.11.2020	<p>'I am deeply worried by the Israeli authorities' decision to open the bidding process for the construction of housing units for an entirely new settlement at Givat Hamatos.</p> <p>[...]</p> <p>The EU has repeatedly called on Israel to end all settlement activity, and to dismantle outposts erected since March 2001. It remains the EU's firm position that settlements are illegal under international law.</p> <p>The announced settlement activity will lead to the continuing weakening of efforts to rebuild trust and confidence between the parties which is necessary for an eventual resumption of meaningful negotiations.'</p>
18.	Statement by High Representative/ Vice-President Josep Borrell on the Day of Remembrance for all Victims of Chemical Warfare	30.11.2020	<p>'On this 'Day of Remembrance for all Victims of Chemical Warfare', the European Union commemorates those that have died and suffered as a result of the use of chemical weapons. Since the Chemical Weapons Convention (CWC) entered into force in 1997, 193 countries have joined the Convention and 98% of chemical weapon stockpiles declared by possessor States have been verifiably destroyed.</p> <p>Yet the re-emergence of chemical weapons is one of the most urgent threats to international peace and security. The use of these heinous weapons has caused hundreds of victims, including children, in Syria. In August this year, a nerve agent was used in the assassination attempt against the opposition leader Alexei Navalny in the territory of the Russian Federation. Chemical weapons have also been used in the United Kingdom, Malaysia and Iraq.</p> <p>The European Union condemns in the strongest terms the use of chemical weapons by anyone, be it a State, or a non-State actor, anywhere, at any time and under any circumstances as a violation of international law. Those responsible for the use of chemical weapons must and will be held accountable.'</p>

4. STATEMENTS BY THE HR AND/OR THE COMMISSION

	SUBJECT	DATE	EXTRACT
1.	Joint Statement by the High Representative/ Vice-President Josep Borrell and Commissioner for Crisis Management Janez Lenarčič on the situation in Syria	13.01.2020	'The European Union continues to provide life-saving humanitarian assistance to vulnerable civilians in Syria, including in the northwest. It urges all parties involved in the conflict to observe an immediate ceasefire, ensure the protection of civilians, allow for unimpeded humanitarian access irrespective of political considerations, and fully respect international humanitarian law .
2.	Joint statement by Commissioner for Crisis Management Janez Lenarčič and Swedish Minister for International Development Cooperation Peter Eriksson on the crisis in Yemen	14.02.2020	'We recall the obligation by all parties to comply with International Humanitarian Law .'
3.	Joint statement by the High Representative/ Vice-President Josep Borrell and Commissioner for Crisis Management Janez Lenarčič on the latest attacks in Nigeria	16.06.2020	' International humanitarian law must be safeguarded and respected by all parties to the conflict, in Nigeria and elsewhere. Civilian and humanitarian personnel should not be targeted, and all parties should facilitate unimpeded passage of humanitarian relief for civilians in need.'
4.	Joint Statement by the High Representative/Vice-President Josep Borrell and Commissioner for Crisis Management Janez Lenarčič on World Humanitarian Day 2020	18.08.2020	'This is why it is essential that International Humanitarian Law is respected to protect humanitarian aid workers and civilians. We also call upon all parties to conflicts worldwide to abstain from targeting civilian infrastructure, including schools and hospitals.'
5.	Statement by Commissioner for Crisis Management Janez Lenarčič Statement on the International Day to Protect Education from Attack	09.09.2020	'Children's futures are threatened by the growing number of targeted attacks against schools, learners and educational personnel, which constitute deliberate and grave violations of the International Humanitarian Law . [...] The EU is committed to supporting initiatives to promote and roll out the Safe Schools Declaration and to prioritise protection at all levels.'

	SUBJECT	DATE	EXTRACT
6.	Joint Statement by High Representative/Vice-President Josep Borrell and Commissioner Janez Lenarčič	12.11.2020	'Human rights and international humanitarian law need to be upheld, including ensuring safe and free movement of civilians as well as a timely, independent, unimpeded and unconditional access of humanitarian workers to most vulnerable.'
7.	Statement by Commissioner for Crisis Management Janez Lenarčič Statement on Ethiopia	25.11.2020	'Any party in the conflict must protect civilians and ensure their safe and free movement in accordance with International Humanitarian Law .'
8.	Statement by Commissioner Lenarčič on the killing of Danish Refugee Council and International Rescue Committee aid workers in Tigray, Ethiopia	11.12.2020	'As I outlined in my recent visit to Ethiopia last week, the Ethiopian authorities should ensure immediate, unconditional and unrestricted access for humanitarian workers to all areas affected by fighting in accordance with International Humanitarian Law .'
9.	Joint Statement by the High Representative/Vice-President Josep Borrell and Commissioners for Crisis Management, Janez Lenarčič, and for International Partnerships, Jutta Urpilainen, on the abduction of children in Kankara	11.12.2020	'As the humanitarian situation in Northwest Nigeria continues to deteriorate, the access of humanitarian workers to reach all people in need is limited. The EU calls for the respect of human rights and International Humanitarian Law .'

5. RESOLUTIONS OF THE EUROPEAN PARLIAMENT

	SUBJECT	DATE	EXTRACT
1.	European Parliament resolution on the humanitarian situation in Mozambique	17.09.2020	<p>'7. Calls on the Mozambican authorities to ensure the promotion of democracy, human rights, effective local governance and the effective restoration of the rule of law in northern Mozambique; recalls that compliance with international humanitarian law and respect for democratic liberties are also crucial for the success of the definitive Peace Agreement signed in 2019 between the Mozambique Liberation Front (Frelimo) and the Mozambican National Resistance (Renamo).'</p>

	SUBJECT	DATE	EXTRACT
2.	European Parliament resolution on the situation in the Philippines, including the case of Maria Ressa	17.09.2020	'H. whereas indigenous people in the Philippines account for 10-20 % of the entire population; whereas in 2018 the UN Special Rapporteur on the Rights of Indigenous Peoples identified the Philippines as a country among those with the highest worldwide incidence of criminalisation and attacks against indigenous human rights defenders; whereas the UN has warned that the militarisation of indigenous territories and restrictions on the freedom of assembly and expression are increasing, and that these developments are closely linked to business interests; whereas the persistent lack of security and economic development on the island of Mindanao, as well as the reported violations of international humanitarian law and the lack of progress in transitional justice and reconciliation, remain serious concerns.'
3.	European Parliament resolution on the case of Dr Denis Mukwege in the Democratic Republic of the Congo	17.09.2020	'- having regard to the UN Report of August 2010 of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the DRC between March 1993 and June 2003,'
4.	European Parliament resolution on the situation in Ethiopia	26.11.2020	'R. whereas the fighting has caused thousands of deaths and injuries on both sides and has resulted in grave human rights violations and violations of international humanitarian law ; [...] 6. Recalls that deliberate attacks against civilians constitute war crimes; calls on forces on both sides to respect international human rights and international humanitarian law and to ensure the protection of people in affected areas.'

6. STATEMENTS ON BEHALF OF THE UNION IN INTERNATIONAL FORUMS

1) General Assembly:

	SUBJECT	DATE	EXTRACT
1.	EU MSs' joint Explanation of Vote on the inclusion of an item 'The situation in the temporarily occupied territories of Ukraine' into 75th UNGA session agenda	04.09.2020	'The EU recalls all UNGA Resolutions on this topic from the past few years and calls for their full implementation, including the Russian Federation's obligations under applicable international humanitarian law '

	SUBJECT	DATE	EXTRACT
2.	EU & MS General statement after the vote on General Assembly ruling on the resolution 'Problem of the militarization of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as parts of the Black Sea and the Sea of Azov' [Item 34 a) – Prevention of armed conflict]	07.12.2020	'As documented in the reports by the UN High Commissioner for Human Rights, Russian citizenship and compulsory conscription in the armed forces of the Russian Federation have been imposed on Crimean residents. This is in breach of international humanitarian law .'
3.	Statement on behalf of the EU and its Member States Vote on the General Assembly resolution on Afghanistan	10.12.2020	'The Taliban continue to perpetrate an unacceptable number of deadly attacks all over the country, including in urban areas, causing substantial civilian losses. This brutality runs counter to the Taliban's stated commitment to peace and to the declared sincerity of their participation in on-going peace talks.'
4.	Statement on behalf of the EU and its Member States UNGA 75 Humanitarian Debate	11.12.2020	<p>'Second, the humanitarian operating environment is immensely constrained due to the systematic and continued disregard of International Humanitarian Law and disrespect of the humanitarian principles.</p> <p>The EU and its Member States will continue to promote compliance with IHL and to insist on accountability in case of IHL violations.</p> <p>We all also need to continue making all efforts to avoid any potential negative impact of sanctions and counter-terrorism measures on exclusively humanitarian activities, including medical work, that are carried out by impartial humanitarian actors in full compliance with humanitarian principles and international humanitarian law.</p> <p>The strategic framework of the EU's response, centred on respect for IHL, safeguarding the humanitarian space, including unimpeded access to people in need, and protection of civilians in situations of conflict and disaster, remains unchanged.'</p>
5.	Statement on behalf of the EU and its Member States for the introduction of the Resolution on Safety and Security	11.12.2020	'This year the world has witnessed the continuation of violations of international humanitarian law and disrespect for humanitarian principles. We have seen an increase in the absolute number of both UN and humanitarian personnel affected by safety and security incidents has increased, and in the number of humanitarian personnel that have lost their lives in the line of duty as a result of violence.'

2) First Committee:

	SUBJECT	DATE	EXTRACT
1.	EU general statement – First Committee 75th Session	09.10.2020	<p>'The EU supports the Convention's 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> <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 the use of force in order to ensure compliance with International Law, in particular International Humanitarian Law and International Human Rights Law.'</p>

3) Sixth Committee:

	SUBJECT	DATE	EXTRACT
1.	EU statement - Sixth Committee of the UNGA - Agenda item 114: 'Measures to Eliminate International Terrorism'	06.10.2020	<p>'The EU pursues a comprehensive approach to combating and preventing terrorism and violent extremism, in full compliance with the rule of law and with international law, in particular international human rights law, humanitarian law and international refugee law</p> <p>The European Union and its Member States call for the avoidance of any potential negative impact of counter-terrorism measures on exclusively humanitarian activities. To that end, we reconfirm our continued commitment to preserving the humanitarian space, including inter alia through the development of best practices and the adoption of appropriate mitigating measures.</p> <p>At home, we are strengthening law enforcement, improving information exchange, preventing the exploitation of the Internet for terrorist purposes and cutting off resources of terrorism financing, while respecting human rights and making all efforts to protect the humanitarian space. Assistance to victims of terrorism and their families as well as their contribution to building resilience of our society is an integral part of EU counter-terrorism efforts. This is the reason for the establishment of the Centre for Victims of Terrorism.'</p>
2.	EU statement - Sixth Committee of the UNGA – Agenda item 86: 'The Rule of Law at the national and international levels	19.10.2020	<p>'The EU and its Member States consider that the prevention and fight against corruption is a powerful tool to prevent international crimes in general, as corruption and organised crime are enablers of violations of International Humanitarian Law and Human Rights Law. I therefore take this opportunity to reiterate our unwavering support to all international mechanisms fighting against impunity, including the International Criminal Court and other international tribunals. We also commend and support the tireless work of civil society in the fight against corruption.'</p>

	SUBJECT	DATE	EXTRACT
3.	EU statement -Sixth Committee of the UNGA – Agenda item 83 ‘Status of the Protocols Additional to Geneva Convention of 1949’	04.11.2020	<p>'Pointed out to the fact that Additional Protocols still lack a number of ratifications in order to become universal. Called on a wider ratification, but also on a need to improve compliance with the Protocols and to strengthen their implementation.</p> <p>Encouraged compliance with the fundamental rules of IHL by all involved in conflicts.</p> <p>Emphasised that many rules of the 1977 Additional Protocols reflect customary international law and they must be complied with even by those that have not ratified the 1977 Additional Protocols. This also applies to non-state actors. The European Union itself is bound by customary international law.</p> <p>Called on making more use of the International Fact-Finding Commission established under Article 90 of the First Additional Protocol.'</p>

4) Security Council:

	SUBJECT	DATE	EXTRACT
1.	EU statement for Arria formula ‘Briefing by the Independent International Commission of Inquiry on the Syrian Arab Republic’	19.02.2020	<p>'Thank you in particular for depicting the dramatic situation of the 2.6 million displaced children in Syria. We sometimes feel we have run out of words to describe the dramatic humanitarian situation in Syria, the continuing violation of international humanitarian law and human rights law.'</p>
2.	EU statement for Open Debate on Countering Terrorism and Extremism in Africa	10.03.2020	<p>'The EU deepens its support to African peace efforts with a focus on a holistic and integrated approach to conflict and crises, acting at all stages of the conflict cycle, investing in prevention, fight against radicalisation, resolution and stabilisation and better linking humanitarian, development, peace and security efforts.</p> <p>More focus is needed on diagnosis of the root causes of violent extremism. An integrated approach is key. The Pau Summit of 13 January 2020 reunited all the G5 Sahel countries and launched the 'coalition for the Sahel'. This is a good example of regional cooperation in the context of counter-terrorism in Africa. In this regard, the EU is acting with the full range of policy, security and stabilisation measures, development cooperation and humanitarian aid.'</p>
3.	EU statement for UNSC Open Debate on the Middle East	23.04.2020	<p>'The EU is addressing as a matter of priority the humanitarian situation. Deliveries of humanitarian assistance are being made to address the emergency needs for shelter, medical and food support of some one million persons displaced in the past weeks, and of all other Syrians in need in the Idlib region. Safe, sustained and immediate access to populations in need must continue to be enabled, in full compliance with international humanitarian law.'</p>

SUBJECT	DATE	EXTRACT
4. EU statement for Arria formula on the situation in Crimea	21.05.2020	<p>'Russian law has replaced Ukrainian law, in violation of international humanitarian law.</p> <p>Russian citizenship and compulsory conscription into the armed forces of the Russian Federation have been imposed on Crimean residents - another breach of international humanitarian law.</p> <p>There have been multiple failures to uphold the right to a fair trial and prisoners have been transferred to Russia, which is prohibited under international humanitarian law.'</p>
5. EU and EUMS statement at the Open Debate on the 'Protection of Civilians in Armed Conflict'	27.05.2020	<p>'The EU recalls that parties to armed conflicts bear the primary obligation to respect international humanitarian law and to meet the needs of populations under their control.</p> <p>It is also essential that sanctions and counter-terrorism measures do not impede the delivery of principled humanitarian assistance in violation of international law, and are in accordance with international humanitarian law, including through the introduction of humanitarian exceptions, as appropriate.</p> <p>Looking at the broader context presented in the report, the EU is gravely concerned by the ever-growing number of deliberate violations of international humanitarian law, the continued high prevalence of civilian deaths and injury, as well as the destruction or damage caused to civilian objects, including schools, health infrastructure, including maternities, and religious sites.</p> <p>The EU is fully committed to support the collective efforts to strengthen the protection of civilians: by taking all appropriate measures to ensure respect for international law, including international humanitarian law and human rights, by taking all appropriate measures to address the protection needs of those most vulnerable, and by supporting the fight against impunity for serious violations.</p> <p>The EU and its Member States urge universal respect for International Humanitarian Law. We call on all parties to conflicts to respond to the appeal by United Nations Secretary-General and to ensure that an immediate global ceasefire in light of the pandemic is observed.</p> <p>At the 33rd International Conference of the Red Cross and Red Crescent the EU and its Member States specifically pledged to strengthen the implementation and dissemination of International Humanitarian Law (IHL) and protection of civilians in armed conflicts.</p> <p>International humanitarian law and the protection of civilians are included in the planning and conduct of all the civilian and military EU crisis management missions and operations promoting peace and security in the context of the Union's Common Security and Defence Policy (CSDP).</p> <p>We recall that international law, in particular international humanitarian law and international human rights law, fully applies to the use of all weapon systems and that those who employ these weapons remain responsible and accountable for their use.</p> <p>Ensuring compliance with IHL is crucial particularly when armed conflicts are increasingly fought in urban areas, exposing civilians and civilian infrastructure to substantial risks. We recognise the challenges associated with the use of explosive weapons in densely populated areas and their impact on civilians. We call on all parties to armed conflict to fully comply with IHL principles and rules.'</p>

	SUBJECT	DATE	EXTRACT
6.	EU briefing to UNSC on Peace and Security in Africa (G5 Sahel) [submitted in writing – issue with briefing status]	05.06.2020	<p>'In the same way as EU support is indexed to progress in governance and reforms in the security sector, increased vigilance is given to the compliance with international standards on human rights and international humanitarian law in the region.'</p>
7.	EU statement for UNSC Open Debate on Human Rights and Peace Operations	07.07.2020	<p>'Human rights and international humanitarian law training are part of the pre-deployment training of all EU Troop Contributing Countries to sensitise peacekeepers to rules and obligations under international law, codes of conduct and cultural awareness.</p> <p>The EU's Action Plan on Human Rights and Democracy for 2020-2024, which is under consideration at EU level, foresees that a human rights due diligence policy will be developed to ensure that support to security forces is in compliance with the EU human rights policy and is consistent with the promotion, protection and enforcement of international human rights law and international humanitarian law.</p> <p>The EU missions and operations engage on human rights and gender-related issues by supporting representative law enforcement, security forces and justice sector institutions, promoting the equal and meaningful participation of women in those sectors, addressing discrimination on any ground and sexual and gender-based violence, and promoting awareness and compliance with International Humanitarian Law.</p> <p>The EU military training missions (EUTM) in Somalia, Mali and the Central African Republic all include human rights and international humanitarian law into their training programmes for the national armed forces of the host country and cooperate with UN peace operations on the ground in delivering training on human rights, protection of civilians and other related fields. EUTM Mali for instance has developed practical, gender-responsive scenarios for the application of human rights and has prepared a Train-the-Trainer Manual on international human rights and humanitarian law for the Malian Armed Forces.</p> <p>The same goes for the EU Civilian Capacity-Building (EUCAP) Missions in Mali and Sahel Niger, which have developed training materials and modules on human rights, international humanitarian law and children's rights and juvenile justice, that are regularly delivered to security forces.</p> <p>We have also agreed to intensify cooperation on policing, the rule of law and Security Sector Reform, as well as on the promotion of International Humanitarian Law and the protection of children and other persons in vulnerable situations in conflict and post-conflict areas.'</p>

	SUBJECT	DATE	EXTRACT
8.	EU statement for UNSC Open Debate on the Middle East	21.07.2020	<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>Safe, sustained and immediate access to populations in need must continue to be enabled, in full compliance with international humanitarian law.'</p>
9.	EU statement for UNSC Open Debate on threats to international peace and security: Linkage of Counterterrorism and Transnational Organised Crime	06.08.2020	<p>'In this regard, the EU strives to achieve a multidisciplinary, multi-agency, integrated approach to effectively tackling crime, including terrorism, while ensuring that any measures taken, respect human rights and fundamental freedoms, principled humanitarian action and International Humanitarian Law (IHL).'</p>
10.	EU statement for UNSC Open Debate on Pandemics and the challenges to sustaining peace	12.08.2020	<p>'The EU and its Member States reiterate the need to ensure full respect of international law, including International Humanitarian Law, International Human Rights Law and International Refugee Law.'</p>
11.	EU statement for Arria formula on Cyber Attacks against critical infrastructure	26.08.2020	<p>'As the European Union, we prioritise international cooperation and dialogue to tackle malicious cyber activities. In particular, we believe that respect for international law, in particular international humanitarian law, and the continued work in the United Nations to implement the norms of responsible state behaviour is essential to maintaining international security and stability in cyberspace and should guide our collective efforts.'</p>
12.	Statement on behalf of the EU and its Member States at the Open Debate on Maintenance of International Peace and Security: Humanitarian Effects of Environmental Degradation and Peace and Security	17.09.2020	<p>'The EU and its Member States are also committed to advocating globally for the protection of the natural environment in armed conflict through supporting compliance with international humanitarian law and by taking all appropriate measures to address the protection needs of civilians.'</p>

	SUBJECT	DATE	EXTRACT
13.	EU statement for Open Debate on The Situation in the Middle East	26.10.2020	<p>'While recalling Israel's right to defend its legitimate security interests, the EU expects the Israeli authorities to fully meet their obligations under International Human Rights and International Humanitarian Law, not least in these difficult times of the coronavirus pandemic, and including with regards to Palestinian detainees in Israeli prisons.</p> <p>The Syrian conflict is now in its tenth year and it is still marked by persistent violations and abuses of international law, including abuses of human rights and international humanitarian law, by all parties, particularly by the Syrian regime and its allies.</p> <p>The EU continues to call upon the Syrian regime and its allies to fully respect international humanitarian law, and in particular to permanently cease indiscriminate airstrikes and shelling on civilians.</p> <p>Respect for International humanitarian law must be ensured at all times and in all circumstances. We reiterate that the use of chemical weapons is a violation of international law and unacceptable under any circumstances, and impunity for the use of chemical weapons must not and will not be tolerated.</p> <p>Turkey is a key partner of the European Union and a critically important actor in the Syrian crisis and the region. 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>
14.	EU statement - 'Women and Peace and Security: Twentieth Anniversary of Security Council Resolution 1325 (2000) - Focusing on Better Implementation'	29.10.2020	<p>'The EU will continue to call on all parties to conflict to abide by their obligations under international humanitarian law and international human rights law and to stop all forms of sexual violence in conflict, to end impunity for perpetrators of such crimes and to provide to the survivors access to justice and comprehensive health services.'</p>

5) ECOSOC:

	SUBJECT	DATE	EXTRACT
1.	Statement by the EU and its Member States at the United Nations Economic and Social Council Humanitarian Affairs Segment	11.06.2020	'While the vast majority of humanitarian needs today can be traced to conflict situations, COVID-19 is exacerbating pre-existing needs. The EU and its Member States remain concerned about violations of International Humanitarian Law and humanitarian access impediments. In their efforts to prevent the spread of the pandemic, governments have taken measures restricting movement and access, which in some cases unintentionally impede humanitarian operations, in particular by restricting the movement of humanitarian and health workers and material assistance. We call on all Member States to take action to proactively and rapidly address barriers to humanitarian action while continuing their efforts to protect public health.'

6) Disarmament forums:

	SUBJECT	DATE	EXTRACT
1.	EU Statement Fifth Pledging Conference Anti-Personnel Mine Ban Convention	25.02.2020	'The EU and its Member States have a long history of support for mine action that benefits nearly all heavily mine-affected countries and regions of the world. The total assistance provided by the EU in the past 5 years amounts to more than 600 million EUR in more than 25 mine affected countries. Recently, the EU has committed to supporting mine action also in Sri Lanka and Kosovo. Our assistance covers the whole scope of mine action: clearance, stockpile destruction, victim assistance, risk education, advocacy and capacity building.'
2.	EU Statement to the First Preparatory meeting to the Second Review Conference Convention on Cluster Munitions	29.06.2020	'At the outset, let me recall that the EU supports the humanitarian goal of the Convention on Cluster Munitions. We consider that at the 10th anniversary of the entry into force of the Convention, the Review Conference provides an opportunity to assess achievements and progress since the Dubrovnik Action Plan in 2015 and to agree on a new plan for States Parties to implement their outstanding obligations under the Convention.'

	SUBJECT	DATE	EXTRACT
3.	EU Statement Intersessional meeting Anti-Personnel Mine Ban Convention	01.07.2020	'The EU is very concerned about the recent use of anti-personnel mines, including of an improvised nature against civilians in Libya, as reported by the United Nations Support Mission in Libya. The EU strongly condemns these acts, which violate the norm against anti-personnel mines and the rights of civilians who are protected under international humanitarian law . We welcome and reiterate the communication by the Convention's Presidency on this topic. The use of anti-personnel mines anywhere, anytime, and by any actor is unacceptable to the European Union. We call for an immediate halt to the use of anti-personnel mines, whether industrially manufactured, or improvised, worldwide.'
4.	EU General Statement Arms Trade Treaty Sixth Conference of States Parties	17.08.2020	'We remain convinced that universal adherence to the ATT will result in a more responsible global arms trade and contribute to peace, security and stability, reduce human suffering and promote cooperation, transparency and increased confidence. Broader adherence to the ATT will also create better conditions for the achievement of the Sustainable Development Goals, in particular Target 16.4. on significantly reducing illicit arms flows, and Target 5.2 on eliminating gender-based violence.'
5.	EU Statement Convention on Cluster Munitions Second Preparatory meeting to the Second Review Conference	04.09.2020	'Firstly, we believe that an explicit reference to a rules-based international order, rooted in respect for International Humanitarian Law and Human Rights Law as well as support for continued multilateral dialogue on disarmament and arms control should be added.'
6.	Group of Governmental Experts on Lethal Autonomous Weapons Systems Convention on Certain Conventional Weapons	21.09.2020	'The EU welcomes the steady progress made over the past few years to increase our collective understanding of the complex topic of LAWS, with a view to ensuring compliance with international law, in particular International Humanitarian Law (IHL) , and avoid a scenario whereby rapid technological advances could create new risks of non-compliance. We recall that States bear a fundamental responsibility to ensure that the development, production, deployment and use of emerging technologies in the area of LAWS will be in compliance with international law, in particular, International Humanitarian Law (IHL) .'

SUBJECT	DATE	EXTRACT
7. EU Statement on Explosive Remnants of War Meeting of Experts on Protocol V Convention on Certain Conventional Weapons	28.09.2020	<p>'The EU and its Member States are fully committed to the objectives of Protocol V, which plays a key role in addressing the problem of unexploded and abandoned ordnance and minimising the serious post-conflict impact of Explosive Remnants of War (ERWs) on civilian populations. We strongly support efforts to strengthen this important instrument of International Humanitarian Law (IHL), 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> <p>Rapid assessment and clearance can help open up access for humanitarian and health workers, protect civilians, allow IDPs and refugees to return home safely and, eventually, enable longer-term development.'</p>
8. EU Statement Group of Experts on Amended Protocol II Convention on Certain Conventional Weapons Geneva, 29-30 September 2020	29.09.2020	<p>'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).</p> <p>We are deeply concerned about the continued severe global impact of IED attacks and their indiscriminate use and effects, in particular in the perpetration of terrorist acts. The use of improvised explosive devices against civilian populations and infrastructure, including health-care systems, produces alarming humanitarian harm, especially in urban settings, and requires an urgent response. Efforts to enhance prevention, preparedness and response are needed to tackle the global threat. Also, efforts to step up clearance are important given the humanitarian impact of IEDs and their overall negative consequences for the security, stability and development of fragile States. The latter activities need to be done in conjunction with the efforts in other disarmament conventions, such as the Anti-Personnel Mine Ban Convention, which contains an obligation for States Parties to clear all types of anti-personnel mines, including anti-personnel mines of an improvised nature.</p> <p>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.'</p>

	SUBJECT	DATE	EXTRACT
9.	EU General Statement United Nations General Assembly First Committee 75th Session, New York	09.10.2020	<p>'The EU supports the Convention's 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> <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 the use of force in order to ensure compliance with International Law, in particular International Humanitarian Law and International Human Rights Law.'</p>
10.	EU General Statement 18th Meeting of States Parties to the Anti-Personnel Mine Ban Convention	16.11.2020	<p>'The EU is committed to mainstreaming a gender perspective into its mine action work and we continue to support the work of stakeholders in mine action to integrate gender and diversity into their humanitarian mine action policies.'</p>
11.	EU Statement Convention on Cluster Munitions Second Review Conference First Part	26.11.2020	<p>'At the outset, let me recall that the EU supports the humanitarian goal of the Convention on Cluster Munitions. We are deeply concerned by the impact on civilian populations of the indiscriminate use of cluster munitions, including the extensive use of cluster munitions in Syria, as well as uses in Yemen, Libya and most recently in the Nagorno-Karabakh conflict. The EU strongly condemns such use and calls upon all actors to refrain from such use and to fully adhere to International Humanitarian Law'.</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', issued 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's 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 to 14 June 2017, 15 June 2017 to 14 June 2018 and 15 June 2018 to 14 June 2020 respectively. The budgeted maximum EU contribution for the period 15 June 2016 to 14 June 2017 was EUR 29 100 000, while the budgeted maximum EU contribution for the period 15 June 2017 to 14 June 2018 was EUR 39 347 026 (excluding contingencies). The budgeted maximum EU contribution for the period 15 June 2018 to 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 Article 1 of Council Decision 2011/168/CFSP: 'The International Criminal Court ... 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 million, 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 million)
- '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 million)

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 entitled ‘Support to mine action to strengthen resilience and stability in eastern Ukraine, including regions bordering the Sea of Azov’ (EU contribution: EUR 5 million) is quantifying levels of contamination in the region. The aim is to clear up to 800 000 square metres and provide accompanying livelihood support measures. A broad mine risk education campaign is planned to take place in parallel. Activities are focused 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 Ukraine’s National Protection of Civilians Strategy and provide concrete support for its implementation. In addition, work with Ukraine’s armed forces will be pursued to better protect civilians and minimise harm from their own operations. Finally, the action will focus on further institutionalizing the protection of civilians in conflict by advocating for the introduction of protection of civilians components in training courses and exercises throughout the military education system.

In **Nigeria**, the IcSP has worked on strengthening the **military’s civilian protection policies and practices** through capacity building of the military, through the mobilisation of local communities and through tailored advocacy engagement led by civil society. While a policy on the protection of civilians is now under discussion at the country’s Federal Executive Council, close to 1 500 military personnel have already been trained on issues relating to the protection of civilians and civilian harm mitigation, which are now part of the armed forces curricula as a result of this action. Significant effort has been invested in mobilising 31 local communities across north-eastern Nigeria, helping them to engage with the military to express their security concerns, demand a more responsive security provision and to find collaborative ways of tackling sensitive issues like the reintegration into society of former Boko Haram fighters and associates. This action has also supported Nigerian civil society in collectively advocating for better protection of civilians policies and practices by the military, including through a media campaign on gender in conflict.

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:



South Sudan



The project 'Support the reintegration of sexual violence survivors including former female abductees by pro Riek Machar SPLA in opposition in Western Equatoria', implemented by UNOPS (UNMISS/OHCHR), aims at responding to the specific needs of a group of fifty women who had been abducted and held against their will by an armed opposition group in Western Equatoria (Tambura). The project helped start their transition from a military environment towards reintegration into civilian life, through the provision of a safe space and survivor-centred services. It also facilitated a stigma-free reintegration in cases in which the women decided to return to their communities. The project was designed to be fully in line with the EU Strategic Approach to Women, Peace and Security.



EU contribution: EUR 150 000



Duration: 07/2020–12/2020



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)



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 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



Implementing partner: Oxfam

• *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 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. It is also aimed at supporting 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 partner: UNICEF

Justice in conflict and transitional justice

The first ever facility dedicated to supporting transitional justice processes was launched in January 2019 to provide short-term support and expert advice for third countries in the areas of transitional justice, constitution building and restoration of justice for the population. In 2020, the facility was mobilised in Afghanistan, South Sudan and Yemen to identify opportunities for transitional justice engagement. It was also mobilised in Mali and Burkina Faso to identify opportunities to tackle impunity of civilian population massacres, in Colombia to further support transitional justice mechanisms, in Ethiopia to support the Ethiopian Federal Reconciliation Commission, and in Liberia to tackle post-conflict accountability and reconciliation

Security Sector Governance Facility

The EU, through the IcSP-funded Security Sector Governance Facility, aims to strengthen effective support for security sector reform and to ensure that good governance principles remain central to those processes. The Facility makes it possible to mobilise expertise on a short- to mid-term basis 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. In 2020 the facility was mobilised in several countries including Mali and Burkina Faso to identify opportunities to tackle impunity for civilian population massacres, in Jamaica to support a citizen security programme, in DRC and Central Asia to assess security needs and prospects for engagement, and in Chile to tackle the issue of public assembly policing and to support the development of new disarmament, demobilisation and reintegration standards at UN and EU level.

Responsibility to protect and the prevention of atrocities

In 2019 the EU launched a project to support the United Nations Office on Genocide Prevention and the Responsibility to Protect entitled **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: United Nations Office on Genocide Prevention and the Responsibility to Protect

Capacity building for participation in civilian stabilisation missions

Regarding **capacity building for the participation in civilian stabilisation missions** the EU launched in 2020 the IcSP-funded project EU Civilian Training Initiative (EUCTI), which contributes to enhancing human security in conflict-prone countries through capacity building activities for civilian experts in civilian stabilisation missions, including specific training aimed at field officers working on human rights.

Protection of civilians and stability in East Africa

 In 2020 the EU launched an IcSP-funded project to strengthen the protection of civilians, and thereby stability, in select East Africa countries. In particular the project is designed to achieve its general objective by improving those countries' capabilities to protect civilians during peace and security operations and by strengthening their commitment to improving the protection of civilians and civilian harm mitigation approaches in East Africa.

 **Region/country:** East Africa

 **Duration:** 2021–2023

 **Implementing partner:** Center for Civilians in Conflict (CIVIC)

Geographic interventions under IcSP Article 3


Project name: *Mitigating the impact of the COVID-19 crisis on the peace process in Afghanistan*

 **Region/country:** Afghanistan

 **Amount:** EUR 500 000

 **Duration:** 07/2020–12/2021

 **Implementing partner:** Geneva Call

 **Description:** The project aims to contribute to reducing violence against healthcare facilities in non-government controlled areas (NGCA) and conflict-affected areas during health crises, while preserving peace process efforts.


Project name: *Strengthening the resilience of local authorities in Burkina Faso in the face of massive population displacements and the COVID-19 pandemic*

 **Region/country:** Sahel and Central Region of Burkina Faso

 **Amount:** EUR 4 000 000

 **Duration:** 10/2020–04/2021

 **Implementing partner:** UN Habitat

 **Description:** In recent years, Burkina Faso has been confronted with numerous security challenges that are hampering development efforts and are undermining peace and social cohesion in the country. Since 2015, terrorist attacks have been frequent in the North, Centre-North, Boucle du Mouhoun, East and Sahel regions. Today, the country has more than one million internally displaced persons. As a result, Burkina Faso is today in a precarious situation and is experiencing one of the biggest humanitarian crises in its history. The project aims to increase the resilience of Burkina Faso's local authorities (the urban communes of Kaya, Dori and Kongoussi and the rural commune of Tougouri) and their most vulnerable communities (internally displaced people and local communities) in the face of the crises caused by massive population displacements and the COVID-19 pandemic.


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'. Specifically, it involves: (i) establishing and strengthening institutional capacities to conduct forensic investigations; (ii) increasing responsibility for war crimes in the Central African judicial system through the use of scientific police; (iii) defending and implementing a family-friendly approach in the context of judicial investigations; and (iv) facilitating 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:** 10/2018–04/2020 (currently extended by 18 months)

 **Implementing partners:** United Nations Development Programme (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 enacted 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: *Support for compliance at national and territorial level of the mandate of the Commission for supporting the implementation of the mandate of the Commission for Elucidation of the Truth, for Peaceful Coexistence and Non-Recurrence*

 **Region/country:** Colombia

 **Amount:** EUR 4 500 000

 **Duration:** 18 months

 **Implementing partners:** Fundación Redprodepaz

 **Description:** In 2020, the project continued its activities of contributing to generating social dialogue processes that ensure the support for and appropriation of the revealed truth, collecting testimonies and information, the establishment of permanent round tables with ethnic peoples, and the promotion of online exchanges about armed conflict, truth, reconciliation, peace and non-recurrence.

Project name: *Assisting Colombia to address the issue of Missing Persons*



Region/country: Colombia



Amount: EUR 3 230 000



Duration: 24 months



Implementing partners: International Commission on Missing Persons (ICMP)



Description: EU support given to the Search Unit focused on strengthening that unit's operational and technical capacity for the search, location and recovery of missing persons and on improving the capacity and public participation of the families of the disappeared. The project started a cycle of training courses in forensic archaeology and anthropology, temporary storage of human remains, and actions to support the organisation of family associations and improve their capacity to collect information on the disappeared (sub-grants of a maximum amount of EUR 30 000 were provided to support the actions of these civil society organisations and families).

Project name: *Support to the Special Investigation Unit of the Prosecutor General's Office*



Region/country: Colombia



Amount: EUR 2 000 000



Duration: 24 months



Implementing partners: Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas (FIIAPP), ICTJ (International Center for Transitional Justice)



Description: The support given to the Special Investigation Unit consists in providing specialised training, advice and assistance to the National Analysis Unit in Bogotá as well as assistance in the territories where investigations that have been prioritised by the unit are taking place.

Project name: *Support to the judicial rulings and strengthening of the legitimacy of the Special Jurisdiction for Peace*



Region/country: Colombia



Amount: EUR 3 500 000



Duration: 18 months



Implementing partners: ICTJ (International Center for Transitional Justice)



Description: The project aims to increase the capacity of the Special Jurisdiction for Peace (JEP) to produce results that contribute to consolidating its credibility and legitimacy, allowing it to fully carry out its mandate under the 'Comprehensive System for Truth, Justice, Reparations, and Non-Repetition' of the 2016 peace agreement. A series of activities are being undertaken to strengthen the capacity of the JEP Chambers (i.e. the Chamber for Acknowledgment of Responsibility and Determination of Facts; the Chamber of Amnesty and Pardons; the Chamber for the Definition of Legal Situations) to produce tangible results in the seven macro-cases initiated to date, as well as to help the JEP in its communication strategy to reach different sectors of the population, including victims of the conflict.

Project name: *Digitization of evidentiary material held by Iraqi national authorities in support of investigative work of the United Nations Investigative Team to promote accountability for crimes committed by ISIL/Da'esh*



Region/country: Iraq



Amount: EUR 3 500 000



Duration: 03/2020–10/2021



Implementing partners: UNITAD



Description: The project aims to strengthen Iraqi capacity to exploit the existing documentary evidence-base and identify evidentiary gaps that need to be filled. The ultimate aim is to increase the number of successful prosecutions of Da'esh members in domestic proceedings in Iraq and in other countries, for crimes against humanity, war crimes and genocide.

Project name: *Contributing to the stabilisation of border communities in the regions of Tillaberi and Tahoua in Niger*



Region/country: Niger's Tillaberi and Tahoua regions



Amount: EUR 5 000 000



Duration: 11/2020–05/2022



Implementing partners: Search For Common Ground



Description: The project aims to support the capacity of local authorities of six communes to deliver basic services in vulnerable areas where defence forces have been redeployed. It supports the local authorities in responding to the needs of the population and maintaining a link between populations and the central administration.

Project name: *Restoration of humanitarian dialogue in North West Pakistan and within the region*



Region/country: Pakistan



Amount: EUR 500 000



Duration: 02/2020–12/2022



Implementing partners: Geneva Call



Description: This project aims to improve fighting forces' awareness of their legal and moral duty concerning the protection of local populations in areas affected by conflicts and military and counterterrorism operations. As young generations (civilians and fighters) in the province concerned make much use of social media, Geneva Call plans to build a social media component/platform that will offer them non-violent examples of legitimate conduct in hostilities, with constructive attitudes and safe narratives.

Project name: *Community-led Action for Protection and Resilience of Children and Youth Affected by Conflict and Rights Violations*



Region/country: Palestine



Amount: EUR 2 500 000



Duration: 11/2019–06/2021



Implementing partners: Save the Children



Description: This project aims to help children in the West Bank and East Jerusalem build a positive future and prevent violent and risky behaviour, in particular in relation to traumatic experiences.

Project name: *Continued support to the International, Impartial and Independent Mechanism*



Region/country: Syria



Amount: EUR 3 000 000



Duration: 01/2020–06/2021



Implementing partners: IIIM



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' (referred to as 'IIIM'). The EU contribution supported the core functions of IIIM, namely: (1) current and future investigations and prosecutions in relevant jurisdictions; and (2) preparation of files and other materials that could be used in the future by national, regional and international courts and tribunals.

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



Region/country: Syria



Amount: EUR 2 600 000



Duration: 06/2019–05/2020



Implementing partners: International Commission on Missing Persons (ICMP)



Description: This project 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.

Project name: *Ceasefire Monitoring, Civilian Protection and Accountability in Yemen*



Region/country: Yemen



Amount: EUR 4 000 000



Duration: 12/2020–10/2021



Implementing partners: Hala Systems



Description: This project supports the deployment of a ceasefire-monitoring system that will credibly report acts of violence in near real-time. Relying on a combination of audio-sensory devices and human observations (by third party monitors, conflict participants, or the general public), the system will help monitor and report on airstrikes, use of heavy weapons, explosions, small arms fire, as well as 'silent' violent crimes such as kidnapping. In this way, the project will develop innovative methods for verification of violence, de-escalation as well as the protection of civilians and aid workers. Ultimately, the aim is to support international efforts to implement ceasefire agreements, while helping to protect civilian lives.

C. RESTRICTIVE MEASURES ⁴³

[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;’

⁴³ Council Decisions are updated from time to time.

DECISION

CRITERIA

- | | DECISION | | CRITERIA |
|----|---|---------|---|
| 4. | 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> |
| 5. | 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;</p> <p>(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> |
| 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...' ⁴⁴ 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).'

44 These criteria do not explicitly mention 'human rights' but refer to human rights and international humanitarian law issues.

DECISION

CRITERIA

12. [COUNCIL DECISION \(CFSP\) 2020/1999 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses](#)

Human Rights

Preamble (4):

This Decision establishes a framework for targeted restrictive measures to address serious human rights violations and abuses worldwide. In that regard, the Council emphasises the importance of international human rights law and of the interaction between international human rights law and **international humanitarian law** when considering the application of targeted restrictive measures under this Decision.

Article 1

'1.This Decision establishes a framework for targeted restrictive measures to address serious human rights violations and abuses worldwide. It applies to:

- (a) genocide;
- (b) crimes against humanity;
- (c) the following serious human rights violations or abuses:
 - (i) torture and other cruel, inhuman or degrading treatment or punishment,
 - (ii) slavery,
 - (iii) extrajudicial, summary or arbitrary executions and killings,
 - (iv) enforced disappearance of persons,
 - (v) arbitrary arrests or detentions;
- (d) other human rights violations or abuses, including but not limited to the following, in so far as those violations or abuses are widespread, systematic or are otherwise of serious concern as regards the objectives of the common foreign and security policy set out in Article 21 TEU:
 - (i) trafficking in human beings, as well as abuses of human rights by migrant smugglers as referred to in this Article,
 - (ii) sexual and gender-based violence,
 - (iii) violations or abuses of freedom of peaceful assembly and of association,
 - (iv) violations or abuses of freedom of opinion and expression,
 - (v) violations or abuses of freedom of religion or belief.

2.For the purpose of applying paragraph 1, regard should be had to customary international law and widely accepted instruments of international law, such as:

- (a) the International Covenant on Civil and Political Rights;
- (b) the International Covenant on Economic, Social and Cultural Rights;
- (c) the Convention on the Prevention and Punishment of the Crime of Genocide;
- (d) the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- (e) the International Convention on the Elimination of All Forms of Racial Discrimination;
- (f) the Convention on the Elimination of All Forms of Discrimination against Women;
- (g) the Convention on the Rights of the Child;
- (h) the International Convention for the Protection of All Persons from Enforced Disappearances;
- (i) the Convention on the Rights of Persons with Disabilities;
- (j) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime;
- (k) the Rome Statute of the International Criminal Court;
- (l) the European Convention for the Protection of Human Rights and Fundamental Freedoms'.

D. INTERNATIONAL CRIMINAL TRIBUNALS

[See section 8. of the report]

	SUBJECT	DATE	EXTRACT
1.	International Criminal Justice: Statement by the Spokesperson on the transfer of Sudanese Ali Kushayb to the ICC	09.06.2020	<p>'In an important step in the quest for justice and accountability in Darfur, Ali Muhammad Ali Abd-al-Rahman alias Ali Kushayb, was transferred today to the International Criminal Court (ICC) in The Hague.</p> <p>[...]</p> <p>The EU is firmly committed to preventing crimes against humanity, war crimes and genocide, and to avoiding impunity for the perpetrators of such crimes. We reaffirm and will continue our strong support to the ICC and its work.'</p>
2.	International Criminal Justice: Statement by the High Representative following the US decision on possible sanctions related to the International Criminal Court	16.06.2020	<p>'On 11 June President Donald Trump signed an executive order authorising the possible imposition of economic sanctions and visa restrictions on certain persons associated with the International Criminal Court (ICC), including agents of States Parties that cooperate with the Court.</p> <p>The European Union expresses grave concern about the announced measures and reconfirms its unwavering support for the International Criminal Court.</p> <p>Sanctions against those involved in the work of the ICC, its staff and their families as well as persons associated with the ICC are unacceptable and unprecedented in scope and content.'</p>
3.	Day of International Criminal Justice: Declaration by the High Representative Josep Borrell on behalf of the European Union	16.07.2020	<p>'17 July marks the date of the adoption of the Rome Statute of the International Criminal Court (ICC) in 1998. On this occasion the European Union reiterates its commitment to uphold and defend the principles and values enshrined in the Rome Statute and to support the ICC.</p> <p>At a time when the world is fighting the coronavirus pandemic and our collective focus should be on supporting and protecting the most vulnerable parts of society, crimes against humanity and war crimes continue to be perpetrated.</p> <p>The ICC is facing persistent external challenges. We stand firm against all attempts to undermine the international system of criminal justice by hindering the work of its core institutions.'</p>
4.	International Criminal Court: Statement by the High Representative/Vice-President Josep Borrell on US sanctions	03.09.2020	<p>'The ICC must be able to work independently and impartially, free from outside interference. The United States should reconsider its position and reverse the measures it has taken. Impunity must never be an option.'</p>

	SUBJECT	DATE	EXTRACT
5.	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	21.10.2020	'The rule of law and the maintenance of international peace and security are the heart of the EU and its Member States' foreign policy. We take this opportunity to reiterate our unwavering support for international criminal justice, in general, and for the Mechanism, in particular.'
6.	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	02.11.2020	'The Court must work independently and free from outside interference. The European Union and its Member States object to all measures that interfere with the exercise of the Court's judicial functions that hamper its investigations. Attacks on the Court's independence are attacks on the multilateral rules-based system. We are deeply concerned by the repeated threats and measures taken against the Court and its officials. We will continue to defend them from any external interference.'
7.	EU Statement at the 19th Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court	13.12.2020	'As the central pillar of a global system of international justice, the ICC is a key element of the rules-based international order. As such, it requires our support and engagement. The European Union objects to all measures that unjustly interfere with the exercise of the Court's judicial functions. Neutrality and independence of the ICC are paramount to its proper functioning. The European Union will continue to support fully the independence of the ICC and will relentlessly protect the Court and its staff against any external pressures or threats.'

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