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**REPORT ON THE EU GUIDELINES ON PROMOTING COMPLIANCE WITH
INTERNATIONAL HUMANITARIAN LAW**

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Notice

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I. INTRODUCTION

International Humanitarian Law ("IHL"), which seeks to limit the effects of armed conflict and to protect civilians and others not taking part in hostilities, is a cornerstone of modern international law. Nevertheless, despite States' universal acceptance of its rules and principles, violations of IHL - and the enormous suffering which this entails - is an ever-present feature of today's armed conflicts. Promoting respect for IHL therefore remains an urgent challenge for the international community.

The European Union Guidelines on promoting compliance with International Humanitarian Law ("the Guidelines") were adopted by the Council in 2005, and updated in 2009¹, to support and reinforce the Union's role in this field. They provide both an overview of the main tools at the disposal of the EU for promoting respect for IHL and a summary of the main elements of IHL aimed at promoting awareness and understanding of its rules and principles, particularly amongst those working within and with the European Union itself. The Guidelines, the first to be adopted at the regional level, provided a visible and practical sign of the EU's commitment to IHL and their adoption was widely welcomed.

EXTRACT FROM 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 **Annex 1**, Updated European Union Guidelines on promoting compliance with international humanitarian law (IHL), 2009/C303/06.

As a major global actor, the European Union is strongly committed to promoting respect for IHL as part of its wider commitment, laid down in its founding Treaties, to advancing respect for human dignity and for the principles of international law². This commitment to promoting IHL was expressly affirmed in the European Union's most recent Global Strategy adopted in 2016³.

As a complex and diverse actor which is active across a wide number of areas, the European Union has a range of means by which it promotes respect for IHL. These can engage the responsibilities of different EU institutions and bodies - including the Council, the High Representative supported by the European External Action Service (EEAS), and the European Commission - as well as of Member States. They involve the exercise of the Union's powers across different policy areas notably the Common Foreign and Security Policy (including the Common Security and Defence Policy (CSDP), development cooperation and humanitarian aid.

The first annual report on the implementation of the European Union Guidelines on promoting compliance with International Humanitarian Law was issued in April 2018 covering the period from 1 July 2016 to 30 June 2017. This was prepared by the Council Working Group on Public International Law (COJUR) in order to provide a more systematic and transparent overview of the implementation of the Guidelines as a whole and to facilitate the Council's assessment of the work carried out by the Union in this field. COJUR is the body charged under the Guidelines with monitoring action in this area and making suggestions for future action where appropriate and feasible. The report was made publicly available on the website of the Council in both English and French⁴ and was also made available elsewhere including on the website of the International Committee of the Red Cross.

This second annual report covers the period from 1 July 2017 up to the end of the last financial year on 31 December 2018. While COJUR remains responsible for the preparation and content of the report, the report has again greatly benefited from reporting by the Commission services, the EEAS and other bodies in relation to matters within their own areas of responsibility.

The report does not seek to be exhaustive or to duplicate material which is already available in other publications⁵. Nor, as a public report, does it cover all activities falling within the scope of the Guidelines where these are of their nature - given the subject-matter - sensitive or confidential. It seeks rather to give a concise, factual overview of the main areas of European Union activity as covered in the 2009 Guidelines.

As set out in the report, the EU has continued to be active across the full range of areas of activities covered by the Guidelines. This has included various actions, from the adoption, in July 2018, of *Council Conclusions on the International Criminal Court on the occasion of the 20th anniversary of the adoption of the Rome Statute*⁶, encouraging the High Representative of the Union for Foreign Affairs and Security Policy to present proposals for possible further steps on how the EU could enhance its capabilities and structures to strengthen the visibility and coherence of EU action on international criminal justice and international humanitarian law and the subsequent revision of the mandate of the new EU Special Representative for Human Rights to highlight its role in implementing the Union's positions, and ensuring their coherence and consistency, in the area of IHL, to setting up a new Union regime of restrictive measures⁷ to address the use and proliferation

² Article 21, Treaty on European Union.

³ [A Global Strategy for the European Union's Foreign and Security Policy](#), EEAS, June 2016, p. 42.

⁴ <https://www.consilium.europa.eu/en/documents-publications/publications/ihl-report-eu-guidelines-april-2018/>.

⁵ EU Annual Report on Human Rights and Democracy in the World 2018, https://eeas.europa.eu/sites/eeas/files/2018_annual_report_on_hr_e-version.pdf.

⁶ <https://www.consilium.europa.eu/en/meetings/fac/2018/07/16/>

⁷ Council Decision (CFSP) 2018/1544.

of chemical weapons and to financing numerous projects in the field⁸, in support of observing IHL norms.

As a complementary process, the EU and the EU Member States have also worked on a report regarding the status of implementation of the common pledges made at the 32rd session of the International Conference of the Red Cross and Red Crescent (Geneva, 2015), which provides additional information on the efforts undertaken at the national and EU levels in delivering on the said voluntary commitments. This report will be made public with the view to promoting awareness about the relevant Union actions. All this was done in a global context in which the need to respond coherently and effectively to promote respect for international humanitarian law, and to assist those affected by armed conflict, remains as urgent as ever.

⁸ For details see Chapter IV

II. STATEMENTS

As an active actor at the international level, the European Union regularly issues public statements calling on the need to ensure respect for international humanitarian law either in relation to specific situations and conflicts or more generally.

EXTRACT FROM GUIDELINES

Paragraph 16 (b):

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

STATEMENTS AND CONCLUSIONS

At the level of the Head of State and Government, the **European Council** may refer to compliance with IHL in the Conclusions that it issues at the end of its meetings. At the level of Foreign Ministers, the **Foreign Affairs Council**, as the policy-making body on foreign policy, regularly deliberates on situations of conflict around the world and underlines the need to respect IHL in the Conclusions issued at the end of its meeting. For example, in the Council's Conclusions on Yemen of 25 June 2018, the EU called on "all parties to the conflict to comply with their obligations under international humanitarian law to allow and facilitate the safe, rapid and unhindered access for humanitarian supplies and personnel to all people in need in all affected governorates."

Between Council meetings, the **High Representative** frequently issues statements - often in immediate response to particular events - calling on parties to respect IHL and condemning violations. Such statements may be issued on her own initiative or, in agreement with members of the Council, on behalf of the Union. One example of this is the declaration issued by the High Representative, on 16 March 2018, on behalf of the EU in response to the violation of international humanitarian law in the Autonomous Republic of Crimea and the city of Sevastopol.

Members of the **Commission**, in particular the Commissioner for Humanitarian Aid and Crisis Management, may similarly issue statements relating to IHL - including in relation to particular humanitarian crises or the delivery of humanitarian aid - in relation to matters within their own areas of responsibility. Thus, for example, on 18 December 2017 the Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides issued a statement on the humanitarian situation in Eastern Ghouta (Syria) that called on all parties to the conflict to make the protection of civilians their utmost priority, stating that this was a clear obligation under international humanitarian law.

A list of such Conclusions, Statements and declarations made during the reporting period is set out in **Annex II** (Section A). Collectively they represent a continuous, high level and public engagement by the Union as an international actor in responding to events and crises and reinforcing the need to ensure respect for the rules of international humanitarian law.

The **European Parliament** also frequently adopts resolutions and reports dealing with IHL. A list of such resolutions adopted by the European Parliament is set out in **Annex II** (Section A).

During the reporting period, the European Parliament has actively addressed the issue of accountability and of respect for IHL adopting a number of resolutions on the matter (see Annex). Notably the resolution of 4 July 2017 on “Addressing human rights violations in the context of war crimes, and crimes against humanity, including genocide” that deplores, among others, the widespread lack of respect for IHL in armed conflicts around the world. It places emphasis on the importance of reinforcing the EU action in that respect, including through the appointment of an EU Special Representative on IHL and International Justice. In the same vein, the Parliament has also adopted several resolutions and a recommendation on IHL violations in specific conflicts and situations, including in Yemen, Syria, Russia, Palestine and Libya (see Annex).

More specifically, the Subcommittee on Human Rights has organised a number of exchanges of views on country situations, including in the Democratic Republic of the Congo (on 18 January 2018) and in the Central African Republic (15 May 2018) where the respect for international human rights law and IHL was prominently addressed.

The Committee on Development (DEVE) has also routinely discussed humanitarian issues - including with successive rotating presidencies of the Council - and ongoing crises in various parts of the world and regularly highlighted that respect for IHL is a fundamental requirement for the provision of humanitarian assistance. The importance of respect for IHL was notably highlighted in the Special Event to mark the Ten Years of the European Consensus on Humanitarian Aid, on 10 October 2017, organized jointly by the European Parliament, the Estonian Presidency, the European Commission, UN OCHA, ICRF/IFRC and VOICE NGO platform as well as the DEVE debates in the presence of Peter Maurer, President of the International Committee of the Red Cross (ICRC), and Mark Lowcock, United Nations Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, on 19 March 2018. Respect for IHL was also an important part of the discussions in the joint hearing on “Emergency and humanitarian aid” organized by the DEVE and DROI committees on 21 March 2018.

POSITIONS IN INTERNATIONAL BODIES

The Union 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.

A key illustration of this work is in **New York**, in relation to the resolutions of the UN General Assembly (UNGA) and of the UN Economic and Social Council (ECOSOC) where the EU Delegation coordinates many of the position of the 28 Member States. The EU also facilitates one of the key annual humanitarian resolutions adopted by the UNGA ('Safety and Security of humanitarian personnel and protection of UN personnel') on behalf of the EU and its Member States. 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 the negotiations of the resolutions. At the annual humanitarian debate in 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 equally underlines the Union's commitment to IHL.

The EU Delegation further systematically takes an active part in a number of additional ad hoc meetings related to humanitarian affairs that regularly take place in New York:

- A series of high-level humanitarian side-events are organised in the margins of the opening of each UN General Assembly, during the so-called "Ministerial Week" in September, with the EU typically organising at least one major event. During the reporting period, the EU organised in September 2018 the event 'Civilians under fire: humanitarian protection and respect for International Humanitarian Law', aimed to draw attention to the consequences of IHL violations on civilians, with a focus on humanitarian action, medical care, and education. Other relevant activities were the event "Children and Women Under Attack: Ending Gender-Based Violence in Emergencies" and a high-level side-event on Syria (political and humanitarian situation). The EU also co-hosted other relevant events on South Sudan, Yemen and Myanmar.
- The Humanitarian Affairs Segment (HAS) of the ECOSOC (which alternates between NY and Geneva) brings together each year the humanitarian community at the level of senior officials to discuss the latest policy and technical developments across numerous events over three days. The EU is traditionally very active during the HAS.
- Arria-formula or Open debates, organised by Security Council members in accordance with their respective agendas and priorities over the reporting period, included relevant topics such as protection of civilians, protection of medical care in armed conflict and UNSCR 2401 on Syria.
- 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 2-3 weeks) to discuss the main current 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, in which the EU normally also takes part.
- A High-level event in New York among likeminded to discuss the impact of global counterterrorism measures and existing sanction regimes on the provision of principled humanitarian aid where the EU expressed commitment to IHL.

In all these contexts, the EU Delegation is a firm advocate of respect for IHL and its promotion. Additionally, in the fall of 2018 the Delegation launched an initiative with a view to train EU28 colleagues dealing with humanitarian affairs in IHL and basic principles of humanitarian action. The first workshop, which involved presentations from ICRC and OCHA lawyers, was very well received and additional workshops are envisaged in the future.

During the 73rd session of the UN General Assembly, the EU delegation delivered numerous statements either within the Sixth Committee or in plenary referring to international humanitarian law.

The Union is also very active in **Geneva**, the multilateral hub for humanitarian affairs as well as for addressing issues of compliance with IHL, including in numerous disarmament fora, as detailed in section VI.

From September 2016 to October 2018, the EU chaired the HLWG platform in Geneva. The last HLWG meeting of the chairmanship on 17 October 2018 focused on "Protection of humanitarian personnel and medical workers in armed conflict". High-level speakers from the EU, ICRC, WHO, Geneva Call and MSF underlined the need for protection of health care workers and infrastructure in particular and the need for respect of IHL. A common element in these interventions and in the subsequent debate was a strong call to develop a coordinated/common response that would include (1) further awareness raising, (2) the promotion and advocacy of IHL principles, (3) full implementation of UNSC Resolution 2286, (4) better collection and analysis of data and evidence regarding those violent attacks, and (5) a delicate choice between going vocal and discrete diplomacy was underlined as well as the crucial need for accountability.

In June 2018, the EU took over the co-chairmanship of the Good Humanitarian Donorship (GHD) initiative, together with Switzerland, until mid-2020. GHD is an informal donor forum and network of 42 members which facilitates collective advancement of GHD principles and good practices. It recognises that, by working together, donors can more effectively encourage and stimulate principled donor behaviour and, by extension, improved humanitarian action. The overarching theme of the co-chairmanship is to look at 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 donors' role in ensuring respect of IHL, including by looking at concrete actions that donors can take in order to promote IHL and to react effectively to IHL violations.

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

The EU supported the mandate renewal of the Group of Eminent Experts on Yemen established by OHCHR Resolution 36/31 in 2017. In its general comment, the EU, speaking on behalf of Member States, stated *inter alia*, that "it is important to give the Group of Eminent Experts more time to fully examine the conflict and to ensure that their conclusions comprehensively reflect the conduct of all parties in future reporting".

The EU is also a member of the Group of Friends of the Montreux Document Forum co-Chairs (Switzerland, ICRC). 2018 marked the 10th anniversary of the 'Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict'. The EU is also participating in the Montreux Document Forum Working Group on the International Code of Conduct Association, a Geneva-based oversight mechanism for Private Security Providers with a Board of Directors composed of States, private security companies and civil society organisations.

III. POLITICAL DIALOGUES AND DEMARCHES

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

EXTRACTS FROM THE GUIDELINES

Paragraph 16(a):

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

Paragraph 16(c):

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

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

The EU Special Representative for the **South Caucasus and the crisis in Georgia** (EUSR) has continued to advocate for compliance with international humanitarian law, particularly in the context of the Geneva International Discussions, and in bilateral contacts. The EU has supported a wide range of humanitarian, protection, recovery and other co-operation actions in the Georgian breakaway region of **Abkhazia**, in partnership with international and local NGOs, and through EU project activities implemented by UNDP, UNHCR, UNICEF and FAO aimed at promoting adherence to IHL. The EU has called for unimpeded humanitarian access to the breakaway region of South Ossetia, as provided for by the 6-point agreement of 12 August 2008. In addition, the EU has urged for the conduct of assessments of the human rights situation in the breakaway regions by international human rights monitors and has called for follow-up activities to existing assessments done by civil society and independent experts.

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

In relation to **Ukraine**, the EU Delegation raised IHL-related issues in various formats, most notably in the context of the annual Human Rights Dialogue, in which IHL is one of the topics of discussion. The humanitarian situation in eastern Ukraine, including respect for IHL (protection of civilians and conduct of hostilities), is regularly discussed at various levels⁹ during the Union's bilateral political dialogue with Ukraine. These messages are also conveyed by the EU Member States through COHAFA common messages issued in this respect. IHL-related issues are also regularly discussed in the relevant negotiating formats (Normandy, Trilateral Contact Group) aimed at achieving the complete implementation of the Minsk agreements.

The EU Delegation in Moscow has raised on a continuous basis concerns with Russian interlocutors at all levels and has coordinated monitoring activities of a number of trials involving illegally detained Ukrainian citizens in Russia. EU Member States have voted in favour of the **UNGA resolution A/C.3/73/L.48** of 22 December 2018 on the human rights situation in the Crimean peninsula (Ukraine), which included numerous references to IHL.

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

In December 2018 EU Member States approved the Terms of Reference (ToRs) of a demarche to be conducted by the EU Delegations to Yemen, Saudi Arabia and the United Arab Emirates on humanitarian access to **Yemen**. The demarche was conducted by all three Delegations in December 2018.

The Head of Delegation to Yemen visited Sanaa in June 2018 and urged the Houthi to respect humanitarian law and ensure access for humanitarian assistance.

According to the mandates of the EU Special Representatives (EUSR) on the **Middle East Peace Process**, they 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, both EUSR Gentilini and EUSR Terstal implemented this provision during their respective mandates in their regular confidential contacts with a range of both Israeli and Palestinian interlocutors, in line with established EU policies and positions on the Middle East Peace Process, including on the issues of settlements, protection of civilians, and humanitarian access, in order to promote compliance by all States and non-State actors in the area. They 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 also maintains a continuous political dialogue with national authorities, regularly recalling Israel's responsibilities as an occupying power in the Palestinian territories.

⁹ 4th meeting of the EU-Ukraine Association Committee (5 October 2018) Human Rights Dialogue (31 May 2018); 19th EU-Ukraine Summit (9 July 2018), 3rd EU-Ukraine Association Council (8 December 2017, 17 December 2018); PSC political dialogue (1 December 2017, 7 May 2018, 23 November 2018).

In **Bosnia and Herzegovina**, the EU Delegation regularly monitors the implementation of remedies to IHL breaches, including war crime processing (support to the implementation of the National War Crimes Strategy), wartime sexual violence cases (e.g. societal and economic stigmatisation of victims, uneven victim status within entities, reparations, access to justice for victims and support to witnesses), refugees and displaced persons (support to the Sarajevo Process and the Regional Housing Programme), missing persons (cooperation with the International Commission on Missing Persons and the International Committee of the Red Cross), and the bilateral agreement concluded by Bosnia and Herzegovina and the United States on non-surrender of US citizens to the ICC.

Contacts take place at the ministerial/agency technical level in the framework of the sub-committee on Justice, Freedom and Security under the EU-BiH Stabilisation and Association (SA) Agreement, as well as at political level under the SA Committee and SA Council. Political dialogues, such as the Structured Dialogue on Justice and other high-level visits are complementary to the above mentioned initiatives and aim to tackle highly sensitive political issues in relation to the Rule of Law. The EU Delegation and EUSR have observer status in the Supervisory body of the National War Crimes Strategy.

IHL-related issues are mentioned in the annual Commission reports on Bosnia and Herzegovina and have been explicitly mentioned in the 2014 recommendation for Bosnia and Herzegovina of the UN Universal Periodical Review (UPR), which the country still needs to implement. These issues were also included in the Commission questionnaire and will feature in the upcoming Opinion and analytical report of the Commission to the EU Council on the membership application of Bosnia and Herzegovina (chapter 23: obligations related to Council of Europe conventions, and cooperation with ICTY/MICT; chapter 31: conflict prevention and non-proliferation, ICC).

The EU has also concluded a series of **agreements with third states** in various fields in which it reaffirms the importance of IHL and undertakes to cooperate with these states in accordance with its principles. For example, on 17 July 2018 the EU and its Member States signed a Strategic Partnership Agreement with Japan that foresees in Article 8 "1. The Parties shall work together at bilateral, regional and international level to prevent and combat acts of terrorism in all its forms and manifestations in accordance with applicable international law, including international counter-terrorism related agreements, international humanitarian law and international human rights law, as applicable to the Parties, and the principles of the Charter of the United Nations." Other examples of agreements are set out in **Annex II** (Section B, iii).

IV. COOPERATION WITH INTERNATIONAL ORGANISATIONS & OTHER ACTORS

EXTRACT FROM THE GUIDELINES

Paragraph 16 (e):

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

As noted in Part I above, the Union frequently makes interventions on IHL in international bodies in which it is an observer or member. In addition, the Union cooperates with other international actors in promoting respect for IHL. This can include promoting a coordinated approach by the Union 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

One of the main initiatives directed at strengthening compliance with IHL was facilitated, by the ICRC and Switzerland in Geneva. Pursuant to Resolution 1 of the 31st International Conference, between 2012 and 2015 the ICRC and the Swiss government engaged in research and facilitated consultations with and among States on possible ways to improve the effectiveness of mechanisms of compliance with IHL. An inter-governmental process mandated by Resolution 2 of the 32nd International Conference of 2015 aimed to reach consensus on concrete ways to strengthen the compliance with IHL by the next International Conference of the Red Cross and Red Crescent in 2019. The EU closely followed and supported a constructive outcome of the Intergovernmental Process. Over the period covered by this report (July 2017 – December 2018), the EU Delegation attended 4 open-ended consultations, 3 informal meetings and 3 formal meetings. Though the EU always participated with the delegation of the country holding the Presidency of the Council of the EU (as this was a State-led process), the EU Delegation facilitated the coordination within EU Member States and assisted in drafting a full-fledged EU position paper. Different proposals advanced by States or groups of States were discussed, as well as possible converging elements. The 5th Formal Meeting in December 2018 addressed four sets of proposals to strengthen respect for IHL (1) using the potential of the International Conference (IC) of the Red Cross / Red Crescent Movement, (2) reinforcing the contribution of IHL regional forums, (3) establishing a regular dialogue of States on IHL in between each IC, and (4) creating an IHL technological platform. Despite robust support behind the main EU line (i.e an intersessional dialogue of States) from a wide range of likeminded States, no consensus was reached.

During the 32nd International Red Cross and Red Crescent Conference in 2016, the EU and its Member States made a series of pledges aimed at strengthening compliance with international humanitarian law and promoting its dissemination. During the reporting period, the EU has drafted a report of the implementation of these pledges by the EU and Member States, which will be submitted to the 33rd International Conference in December 2019.

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

The **International Committee of the Red Cross** (ICRC) is one of the EU's most trusted humanitarian partners, often among the few international actors present in the field and key in delivering humanitarian response as well as and in upholding respect for IHL and the humanitarian principles. In 2017, the ICRC received EUR 127 million in funding from the EU's humanitarian aid budget, while in 2018 EUR 199 million was contracted. Some examples of funding to the ICRC are a humanitarian aid action in Myanmar that included engagement with armed carriers on protection and IHL issues, and an action in Colombia that included training on IHL for the armed forces, police and arms carriers.

The ICRC is regularly invited to speak in informal sessions of Council working groups and at the PSC.

The EU was also the chair of the International Committee of the Red Cross Donor Support Group between June 2018 - June 2019. The Donor Support Group is made of governments, supranational organisations or international institutions that contribute a minimum of CHF 10 million per year. One of the focus areas of the chairmanship was "How to preserve International Humanitarian Law and the humanitarian principles in a counter-terrorism environment".

Examples of local cooperation with the ICRC include **Armenia and Azerbaijan** where political advisers to the EU Special Representative for the South Caucasus and the crisis in Georgia (EUSR) maintain close contacts with the ICRC and attend meetings organised by the ICRC on behalf of the EU. Likewise, the EUSR himself regularly meets with local ICRC representatives while visiting the region. Areas of interest are the implementation and respect of IHL, detention, missing people and their families, socio-economic and protective measures in conflict-affected border areas as well as general conflict-related developments in Armenia, Azerbaijan and with regard to Nagorno-Karabakh.

In Kosovo, 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 supports the process, including through projects and political engagement on the ground.

The EU also provides financial support to the activities of a range of **other international actors** including the Office for the Coordination of Humanitarian Affairs (OCHA), the OSCE, UNHCR as well as NGOs such as Geneva Call. Examples of such support are set out below.

FINANCIAL ASSISTANCE

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

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

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

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

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

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

In particular, the European Instrument for Democracy and Human Rights (EIDHR)¹⁰ aims to help establish democracy, the rule of law, and the protection of human rights and basic freedoms. The scope of the Regulation includes in Article 2(1)(a):

- *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;*

It also includes in Article 2(1)(c):

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

¹⁰ 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).

(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)¹¹ helps to 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 children¹²;*

In addition, a large part of EU-funded humanitarian actions, financed under Council Regulation (EC) No 1257/96¹³ on humanitarian aid, are implemented in countries affected by armed conflicts. The Regulation includes in its preamble:

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

Article 1 of the Regulation also states that:

The Community's humanitarian aid shall comprise assistance, relief and protection operations (...).

¹¹ 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).

¹² Regulation (EU) No 230/2014, Article 3(2).

¹³ Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid, OJ L 163, 2.7.1996, p. 1–6.

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

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

- The EU's humanitarian aid budget supported with EUR 548,305 **Geneva Call** to reinforce globally the humanitarian community's capacity to negotiate access with Armed Non-State Actors (ANSAs) and promote their compliance with IHL in armed conflict. The project aimed at helping humanitarian practitioners to develop their policies of engagement with ANSAs, relevant toolboxes, resources, and training courses. It also aimed at supporting concrete engagement between ANSAs and humanitarian actors in selected countries to create a conducive environment for safer humanitarian access to improve assistance and protection.
- In 2018, the EU humanitarian aid budget funded in **Iraq** projects with a specific IHL objective through the ICRC (with EUR 280,000), the Office for the Coordination of Humanitarian Affairs (OCHA) (with EUR 500,000), and Geneva Call (with EUR 700,000). Of particular relevance, the EU supported Geneva Call's direct engagement with Armed Non-State Actors (ANSAs) across the country and confessional/ethnic lines to improve compliance with IHL and IHRL. Awareness raising sessions on IHL and humanitarian norms have been delivered to state and non-state armed groups as well as civil society organisations, traditional/religious leaders, government, local authorities, politicians, media workers, and INGOs. A wide range of ANSAs benefited from Geneva Call's actions in Iraq including Sinjar Protection Units (YBS), Kurdistan Workers' Party (PKK) in Sinjar; Peshmerga Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) Popular Mobilization Forces (PMF) groups under Popular Mobilization Units (PMU) commission and those not aligned as well as localized militia like Christian Npu, Ninewa Guards and Rojava Peshmerga that have only been partially integrated within the PMU commission. The work of Geneva Call in Iraq also benefitted neighboring countries through engagement with ANSAs' representatives present in Iraq, like the Democratic Party of Iranian Kurdistan (KDP-I), and People Protection Units (YPG).
- The EU humanitarian aid budget funded in **Yemen** a number of projects with protection activities at the core of their priorities through either mainstreamed initiatives or standalone projects that included the promotion of IHL compliance. IHL was an essential element of ICRC programmes, funded with EUR 5.5 million in 2018. These resources were complemented with actions through Geneva Call for EUR 500,000, aiming at the promotion of IHL among non-state actors. Furthermore, the EU supports the UN Office of the High Commissioner for Human Rights with EUR 1 million contributing to increasing the monitoring capacity of IHL violations, the quality of reporting as well capacities among local organisations. UNHCR was also funded with EUR 3 million in 2018, supporting protection among the most vulnerable. Beyond the provision of EU humanitarian aid, the EU continues to play an active role in the mobilisation of other donors and actively engages in humanitarian advocacy in Council/EP and with EU member states in order to improve

¹⁴ COM(2018) 460 final of 14.6.2018.

humanitarian space and enable conditions for partners to operate on the ground. Advocacy focuses on the promotion of humanitarian access, safeguarding of IHL, and seeking complementarities between humanitarian and development programming. The EU also makes efforts to reinforce its liaison with local authorities, in view of promoting humanitarian access.

- In **Libya**, a project of the Office for the Coordination of Humanitarian Affairs (OCHA), funded by the EU's humanitarian aid budget, included activities linked to protection and advocacy, including advocating with relevant authorities for the provision of safe and unhindered access to enable adequate and timely humanitarian response. In addition, a project by ACTED included among its activities support for advocacy for a "principled" response in Libya. Equally, IHL elements were contained in an IRC UK action to provide life-saving health and protection services to conflict affected people in Misrata and Sirte regions, and in two actions of Federation Handicap International.
- In **Afghanistan**, a country under permanent and intensive civil conflict and where casualty figures (civilians injured and dead) in 2018 were the highest in the last 15 years, and are still on the rise, IHL work and protection are cross-cutting issues in all EU-funded humanitarian aid projects. IHL and protection work are part of the main objectives for agreements with ICRC, NRC, IOM and UNOPS (with a combined budget of more than EUR 15 million, over 30% of the annual EU humanitarian aid contribution to Afghanistan). Advocacy of IHL and protection remain priorities in the 2019 Humanitarian Implementation Plan for Afghanistan. In the violent and uncontrolled environment, the importance of protection work as well as the need to promote IHL and recall to the parties of the conflict their obligations is recognised and addressed by the EU.
- In the **Democratic Republic of the Congo**, the EU humanitarian aid budget supported Geneva Call with EUR 100,000 on better humanitarian access and protection of civilians in North Kivu. This action foresees a full study of the access negotiation practices of the NGOs gathering all stakeholders' information: non-state armed actors, national army, national police, traditional authorities and communities, administrative authorities as well as national and international NGOs. It will identify modalities and practices in terms of negotiation for access and the conduct of operations, understand the perception of the ANSAs and communities on aid as well as the impact of that perception on access. Although this grant is not specifically devoted to IHL, Geneva Call has an open dialogue with many ANSAs in the region and has already been providing IHL information and advocacy with these groups for many years. This action is an extension of this long-term work and contributes to the understanding of the humanitarian specificity as well as the security of the civilians and the humanitarian personnel.
- In **Mali**, during the period July 2017 – December 2018, the EU's humanitarian aid budget supported OCHA with overall EUR 450,000 for humanitarian coordination and advocacy. One of the results of the project targeted military actors and armed groups so that they are aware of civil-military coordination guidelines, humanitarian coordination mechanism and the humanitarian principles.
- In **Ukraine** support through the instrument contributing to Stability and Peace (IcSP) has been provided to OHCHR, with two projects funded during the reporting period for a total of EUR 5.7 million. The objective of these projects has been to support the operations of the Human Rights Monitoring Mission in Ukraine, with a focus on regions affected by conflicts (Eastern Ukraine, Crimea). The OHCHR produces quarterly reports on the human rights situation as well as regular thematic reports on selected topics relevant to the conflict. In

addition, the OHCHR engages with Ukrainian authorities on the implementation of the National Human Rights Action Plan and supports local civil society organisations to increase their capacities in the field of human rights through training opportunities. The EU also provides support through the IcSP to organisations active in supporting conflict affected populations in eastern Ukraine, notably through psychosocial assistance to conflict affected communities and trainings to local media to raise their sensitivity and ability to report on conflict.

- In **Serbia**, through the IcSP the EU provides financial assistance to a project conducted by the OSCE on war crimes trial monitoring, including a training component on IHL for Serbian judges, prosecutors, judicial and prosecutorial assistants, as well as police officers, witness support and protection staff. Certain IHL trainers on the project are former staff of the ICTY. The total EU contribution is EUR 500,000. More generally, Serbia's level of cooperation with the ICTY and its successor, the MICT, is a regular feature of the structured dialogue with Serbia under the Stabilisation and Association Agreement; notably the Justice, Freedom and Security Sub-Committee and the EU-Serbia Stabilisation and Association Council.
- In **Bosnia and Herzegovina**, through the IcSP the EU is providing EUR 7.4 million from December 2016 to August 2019 as a direct grant to the Ministry of Finance and Treasury to enhance the processing of war crime cases at all levels and reduce the backlog, in line with the National War Crime Strategy. Additional EUR 500,000 were granted to the OSCE to monitor the war crime trials and provide expert advice and assistance. The EU is also supporting the International Commission on Missing Persons (ICMP) with EUR 3 million from October 2017 to August 2019 to enable the use of DNA-assisted identification in the recovery of persons missing as a result of the armed conflict.

V. RESTRICTIVE MEASURES

EXTRACT FROM 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.

The European Union maintained in force 39 sanctions regimes during the reporting period (July 2017 to December 2018). This includes 23 EU autonomous sanctions regimes, in addition to eight UN-based and eight “mixed” sanctions regimes (UN basis + EU autonomous sanctions).¹⁵ A number of these were specifically aimed at preventing or responding to violations of IHL including by targeting individuals engaged in such violations. A list of these restrictive measures is set out in the Annex (Section II, C). More generally by taking measures (such as arms embargoes) relevant to situations of armed conflict, many restrictive measures seek to prevent or stop the conditions in which violations of IHL can occur.

EU restrictive measures themselves are implemented in accordance with international law. All EU legal instruments laying down financial restrictions, restrictions on admission and other restrictive measures allow for the application of appropriate exemptions and/or derogations in particular to take into account basic needs of targeted persons including humanitarian needs or international obligations where applicable. Furthermore, EU sanctions policy is based on a targeted approach, focusing on those who are responsible for the situation that is meant to be changed. The intention is to avoid as much as possible any negative effects on the civilian population.

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

- In October 2018, the EU adopted a new sanctions framework against the proliferation and use of **chemical weapons** (Council Decision 2018/1544/CFSP¹⁶ and Council Regulation (EU) 2018/1542¹⁷ of 15 October 2018). This further supports the well-established position of the EU that the use of chemical weapons by anyone, be it State or non-State actors, is contrary to international law and must be rigorously deterred and condemned.
- **Myanmar/Burma;** In April 2018, the EU expanded the sanctions regime in place 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 Myanmar/Burma military and security forces (Council Decision (CFSP) 2018/655¹⁸ and Council Regulation (EU) 2018/647¹⁹ of

¹⁵ Cf. the EU sanctions map, <https://www.sanctionsmap.eu/#/main>.

¹⁶ OJ L 259, 16.10.2018, p. 25–30.

¹⁷ OJ L 259, 16.10.2018, p. 12–21.

¹⁸ OJ L 108, 27.04.2018, p. 29.

¹⁹ OJ L 108, 27.04.2018, p. 1.

26 April 2018). This regime enables the Council to sanction amongst others natural persons from the Myanmar Armed Forces (Tadmadaw) or the Border Guard Police obstructing the passage of humanitarian assistance for civilians in need.

The EU has introduced contractual provisions with their implementing partners on sanctions compliance for EU-funded projects. At the same time, EU restrictive measures must be implemented in line with the EU's obligations under international law, including IHL, and there is a specific commitment to respect the humanitarian principles of impartiality, neutrality and non-discrimination when delivering humanitarian assistance.

Therefore, access to EU-funded humanitarian assistance to meet basic needs must be provided to all persons who are in need, including where those persons have been designated under EU restrictive measures.

VI. ARMS EXPORTS AND ARMS CONTROLS

EXTRACT FROM 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 European Union continues to apply the legally binding decision on the control of exports of military technology and equipment referred to in the Guidelines²⁰. This superseded European Union Code of Conduct on Arms Exports adopted by the Council in 1998. Criterion 2 of Article 2 of the Common Position 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."

Moreover, in December 2018, the EU has adopted the Twentieth Annual Report according to Article 8(2) of Council Common Position 2008/944/CFSP providing detailed data on granted and denied arms export licences in 2017 and thereby contributing to transparency in the arms trade. In addition, criterion 2 of Article 2 of the Common Position 2008/944/CFSP is also applied in relation to dual use goods.

Furthermore, the Working Party on Dual-Use Goods has continued the analysis of the European Commission's proposal of 28 September 2016, for a regulation to recast the current Dual-Use Regulation²¹ with the aim to modernize the EU export control regime and to enhance the IHL-related provisions.

On 19 November 2018 the Council adopted an EU Strategy against Illicit Firearms, Small Arms & Light Weapons and their Ammunition. The Strategy states that *"Military weapons have an indispensable role in the preservation of security, freedom and peace, provided they are used in accordance with International Law, including Human Rights Law and International Humanitarian Law. At the same time, weapons of war are by definition capable of inflicting death and destruction. This ambivalence means that governments that control such weapons must ensure that they are traded in a responsible and accountable way, and prevent their diversion to terrorists, criminals and other unauthorised users in violation of arms embargoes and end-user agreements"*.

²⁰ Council Common Position 2008/944/CFSP.

²¹ Proposal for a Regulation of the European Parliament and the Council setting up a Union regime for the control of exports, transfer, brokering, technical assistance and transit of dual-use items.

The EU has also continued to pursue initiatives to combat the illicit accumulation and trafficking of Small Arms and Light Weapons (SALW)²² and their ammunition as well as to support the Arms Trade Treaty (ATT)²³. In 2018 the Council adopted Decisions in support of combating the illicit trade in small arms in the Member States of the League of Arab States²⁴ and in Latin America and the Caribbean²⁵. The Council also decided to support implementation of the Regional Roadmap on combating illicit arms trafficking in the Western Balkans²⁶ and adopted a decision in support of gender mainstreamed policies, programmes and actions in the fight against small arms trafficking and misuse, in line with the Women, Peace and Security Agenda²⁷. The Council renewed its support for the promotion of effective arms export control in the EU neighbourhood²⁸. The EU continued to implement the Council Decision CFSP/2017/915 on Union outreach activities in support of the implementation of the Arms Trade Treaty that provides for the Union to undertake activities to support third states in the effective implementation of the ATT and to increase awareness and ownership of the ATT at national and regional levels.

A number of EU restrictive measures referred to above also make provision for the imposition of arms embargoes - in particular in relation to situations of armed conflict. The EU is active in ensuring that these embargoes are implemented. For example following reports of the UN Panel of Experts on **South Sudan** that Armenian-registered airplanes were breaching the EU arms embargo, with which Armenia was aligned, the EU received a report from Conflict Armament Research, a body supported by the Council of the EU to investigate arms embargo violations and arms diversion in general in the context of the iTrace project²⁹. This reported that an Armenian operator, Skiva Air, was still carrying Sudan Peoples' Liberation Army (SPLA) cargo and personnel. Following EU Delegation engagement with Armenia, Skiva Air's operating licence was withdrawn at the end of March 2017

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 treaties include the Nuclear non-proliferation Treaty, the Comprehensive Test Ban Treaty (CTBT), the Chemical Weapons Convention (CWC), the Biological and Toxin Weapon Convention, the Arms Trade Treaty, the Anti-personnel Mine Ban Convention, the Convention on Certain Conventional Weapons (CCW) and the UN Programme of Action against the illicit Trade in Small Arms and Light Weapons. Since 2004 the Council of the EU has committed EURO 178 million in support of multilateral disarmament and arms control treaty framework.

In its conclusions on chemical disarmament and non-proliferation, adopted on 16 April 2018, the Council of the EU reiterated its support for the total prohibition and elimination of chemical weapons worldwide. The Council expressed its strong belief that use of chemical weapons, including the use of any toxic chemicals as weapons, by anyone, be it a State or a non-State actor, anywhere, and under any circumstances is abhorrent and must be rigorously condemned. It stated also that the use of chemical weapons is unacceptable, constitutes a breach of international law and may amount to a war crime or a crime against humanity. There can be no impunity and those responsible for such acts must be held accountable.

²² [EU strategy to combat illicit accumulation and trafficking of small arms and ammunition](#), 13 January 2006.

²³ See Council Decision 2014/165/EU authorizing Member States to ratify, in the interests of the European Union, the Arms Trade Treaty.

²⁴ [Council Decision \(CFSP\) 2018/1789.](#)

²⁵ [Council Decision \(CFSP\) 2018/2010.](#)

²⁶ [Council Decision \(CFSP\) 2018/1788.](#)

²⁷ [Council Decision \(CFSP\) 2018/2011.](#)

²⁸ [Council Decision \(CFSP\) 2018/101.](#)

²⁹ [Council Decision \(CFSP\) 2017/2283.](#)

At the OPCW in the Hague, the EU had condemned breaches of IHL by chemical weapon attacks.³⁰

In 2018, the EU extended its ongoing support to the activities of the OPCW by contributing to the security related costs associated with fact finding missions for the inspection and verification of the destruction of Syrian chemical weapons.³¹

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

As mentioned under Chapter V above, in order to support the prohibition laid down by the Chemical Weapons Convention against the use of chemical weapons, the Union adopted on 15 October 2018 a new decision concerning restrictive measures against the proliferation and use of **chemical weapons** (Council Decision (CFSP) 2018/1544).

In 2018 issues related to IHL compliance also featured prominently in the EU statements in the disarmament, non-proliferation and arms control fora in Geneva, New York and Vienna, 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, the Arms Trade Treaty and the Conference on Disarmament, the First Committee of the UN General Assembly, the Review Conference of the UN Programme of Action Against illicit SALW. At these occasions the EU systematically underlines that its international policies are guided by a vision to support a rules-based international order, rooted in the respect for human rights and international humanitarian law. In its Foreign Affairs Council Conclusions on Yemen of June 2018, the EU renewed "its call for the full implementation of the targeted arms embargo imposed by the UN Security Council". The EU also reiterated "the strict application of the rules set in the Common Position 2008/944 on arms exports".

³⁰ [Statement on behalf of the European Union delivered by H.E. Ambassador Roman Buzek Permanent Representative of Slovakia to the OPCW at the eighty-third session of the Executive Council](#), 11 October 2016.

³¹ Council Decision (CFSP) 2018/1943.

VII. CRISIS MANAGEMENT OPERATIONS AND TRAINING

EXTRACT FROM 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 (4) 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.

During the reporting period, the European Union conducted 16 civilian and military crisis management operations within the framework of the Common Security and Defence Policy. By promoting security and deterring conflict they contribute to preventing situations in which violations of IHL can occur.

IHL is taken specifically into account in the planning and preparation of such missions.

During the reporting period, the European Union conducted **three military operations with executive mandates and three non-executive military training missions** within the framework of the Common Security and Defence Policy (CSDP).³²

All CSDP missions and operations are guided by and seek to advance respect for the principles of international law, including IHL, in accordance with the Treaty on European Union, and IHL elements are mainstreamed into the mission planning from the outset. For example, IHL is explicitly mentioned in several places in the Mission Plan of the European Union Training Mission in the Central African Republic (EUTMCAR), although Council Decisions on EUTM CAR do not refer to IHL. Education support for the Malian Armed Forces on IHL, protection of civilians and human rights is explicitly referred to in the objectives of the European Union Training Mission in Mali (EUTM Mali).³³

IHL is also part of the advisory and mentoring tasks of European Union Training Mission in Somalia (EUTM Somalia), which provides political and strategic level military advice as well as mentoring to Somali Authorities within the security institutions. EUTM Somalia has actively promoted the strengthening of IHL and related topics in the structures of the Somali National Armed Forces and the Somali Ministry of Defence.

The training missions in Mali, Somalia and Central African Republic all had IHL in their training programmes for the national armed forces for the host country. The training programmes also included prevention of sexual violence, gender awareness, protection of civilians (including protection of children) and human rights. On 1 October 2018, the European Commission, the EEAS and ICRC jointly organised a high-level event on IHL and gender in the three military Training Missions (EUTMs) **in Mali, Somalia and CAR**. The event brought senior EU civilian and military experts together and deepened the discussion on efforts related to gender and IHL promotion through CSDP/EUTMs.

The **civilian** CSDP mission **European Union Monitoring Mission in Georgia (EUMM Georgia)** explicitly has as one of its tasks to "monitor, analyse and report on the situation pertaining to the stabilisation process, centred on full compliance with the six-point Agreement, including troop withdrawals, and on freedom of movement and actions by spoilers, as well as on violations of human rights and international humanitarian law". In this context, EUMM Georgia monitors issues affecting the human security of the conflict-affected population in Georgia, including restrictions of freedom of movement and detentions. The mission reports these issues and provides information on them in the framework of the meetings between the conflict parties (Geneva International Discussions and Incident Prevention and Response Mechanisms).

The civilian CSDP mission European Union Rule of Law Mission in Kosovo (**EULEX Kosovo**) continued to investigate, prosecute and adjudicate war crimes in Kosovo until 14 June 2018, when its executive mandate in the criminal justice system ended. The Mission concluded the handover to the competent authorities of all police, prosecutorial and judicial case files, including those relating to violations of international humanitarian law, in December 2018. As part of its efforts to ensure that there is no impunity for war crimes, EULEX Kosovo supported relevant Kosovo institutions in drafting a strategy for the prosecution of war crimes and other serious violations of IHL. As of the end of the year, the strategy had not yet been adopted by the Kosovo institutions. Under its new mandate, EULEX is robustly monitoring cases related to violations of IHL, including war crimes, with a specific focus on cases previously dealt with by EULEX and later handed over to local authorities.

³² EU NAVFOR MED Operation Sophia, EU NAVFOR Atalanta, EUFOR Althea, EU Training Mission in the Central African Republic (EUTM CAR), EU Training Mission - Somalia (EUTM-Somalia) and EU military mission to contribute to the training of the Malian Armed Forces (EUTM Mali).

³³ Council Decision (CFSP) 2018/716 amending and extending Decision 2013/34/CFSP

At **EUCAP Sahel Mali**, the Human Rights and Gender Unit has participated in the meetings of the International Humanitarian Law working group convened by the National Human Rights Commission (NHRC) in December 2017. The working group aims to assess the progress made on the implementation of IHL in Mali, to evaluate national law in relation to international obligations, to propose the harmonization of legislation, to submit and to follow up the recommendations to the authorities concerned and the dissemination of IHL. Despite several attempts, the National Commission on International Humanitarian Law was never established in Mali, so the NHRC took the initiative to set up a working group to fill this void. Members of the working group are Ministries of Defense, Security, Justice, Foreign Affairs, Health, Women, children and the family, Interior and other relevant national and international bodies (MINUSMA, EUCAP Sahel Mali, EUTM) as well as the International Committee of the Red Cross as observer. So far three meetings have been held and on the last meeting the members agreed on the terms of reference of the group. Secondly, in 2018 EUCAP Sahel Mali initiated a coordination platform in order to bring together different actors that provide trainings on Human Rights, Gender and international humanitarian law to security and defense forces. In March 2018, a workshop was held and the report with recommendations is currently being followed up on.

For **EUAM Ukraine**, advising or training on compliance with IHL is formally not part of the mandate, however, the Legal Reform Team provided advice to the Ministry of Justice on the law implementing the Rome Statute in Ukrainian criminal legislation, as part of the work focused on strengthening the criminal justice chain. The advice has been offered in the form of a written opinion and was followed by a meeting with the Ministry of Justice to discuss its recommendations. The draft law was registered on 20 December in the Verkhovna Rada (parliament).

The **EUCAP Somalia Mission** (which is focused in its mandate on reinforcing the Somali capacity to carry out counter smuggling operations and to fight piracy), incorporates relevant principles and rules of international humanitarian and human rights law into its training activities for the civilian maritime law enforcement agencies.

VIII. INTERNATIONAL CRIMINAL TRIBUNALS AND MECHANISMS

The EU and its Member States have strongly supported the effective functioning of the ICC and other criminal tribunals such as the *ad hoc* international tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, the Special Tribunal for Lebanon, and the international Residual Mechanism for Criminal Tribunals.

EXTRACT FROM GUIDELINES

Paragraph 16 (g):

(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 International Criminal Court (ICC) is set out in Council Decision 2011/168/CFSP^[1] and further operationalized 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).

The EU continued its efforts to ensure that perpetrators of genocide, war crimes and crimes against humanity are held accountable for their actions, and to achieve justice for victims of atrocities. In that context, the EU continued to provide political support to the ICC.

On the occasion of the 20th anniversary of the adoption of the Rome Statute the EU adopted Council conclusions (16 July 2018) which reconfirmed its unwavering support to the ICC and its commitment to renew efforts to promote the universality and preserve the integrity of the Rome Statute. The EU has also supported several events to celebrate the 20th anniversary, including a

^[1] 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. 56–58.

Diplomatic conference in Brussels in June 2018, focused on the ICC, to take stock on achievements but also to reflect on the future of the ICC and of global justice. Support to the ICC has also continued to be expressed in multilateral fora such as the UN Security Council and the UN Human Rights Council.

The EU has continued to make every effort to promote the universality of the Rome Statute, in particular during its human rights dialogues, through *démarche* campaigns worldwide, the systematic inclusion of a clause in agreements with third countries, encouraging the ratification of, or accession to, the ICC Statute, offering of implementation assistance, or through financial support to CSOs advocating the universality of the Rome Statute. One example of this support is the EU- financed project 'Parliamentary Campaign for the Effectiveness and Universality of the Rome Statute of the International Criminal Court System', implemented by Parliamentarians for Global Action.

The EU continued to support the ICC through a direct grant aimed at broadening the understanding of the ICC and the Rome Statute amongst the key stakeholders, in particular ICC States Parties and legal professionals, and to reinforce national capacities in dealing with crimes under the Rome Statute, particularly in situation countries. The main activities include seminars, events and training sessions for fostering cooperation, sharing expertise and building national capacity, regional seminars for fostering co-operation, as well as technical events/trainings for legal professionals on issues related to co-operation, such as witness protection, investigations, freezing of assets, arrest and surrender, implementing legislation and the ratification of the Rome Statute.

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 the EIDHR (global civil society campaigns). In particular, since 2012, the EU directly contributes to the ICC outreach activities with an annual budget of EUR 1 million. The overall objective of this action is to continue the 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. Since 2013, the Court has organized 15 High-Level & Cooperation Seminars as well as 16 technical events and training sessions, including an annual Focal Points Seminar, and Trainings for Counsel (which have proved extremely relevant for the defence or representation of victims, while also promoting dialogue amongst participants at the regional level). Moreover, the training of legal professionals increased participants' legal expertise in international criminal and humanitarian law and developed their knowledge of the Rome Statute system. Furthermore, the Legal Tools Database is constantly being improved, acting as a repository of key Court documents and collections of legal research resources in international criminal law. The Database is available through the ICC website and the project also includes other legal research tools, including the Case Matrix.

Support for the ICC is also reflected in the EU's bilateral relations. For example, EU Common positions on the integrity of the Rome Statute are an essential element of accession negotiations. Candidates or potential candidates who maintain bilateral agreements concerning the conditions for the surrender of persons to the ICC are reminded of the need to align with the EU position.

Since the opening of the investigation in **Georgia** on crimes perpetrated in relation to the 2008 conflict in South Ossetia, the EU actors present in Georgia (EU Delegation, EU Special Representative for the Southern Caucasus) have been providing political and conflict-related guidance to visiting ICC teams, as well as assistance regarding logistical, organisational, and security matters. Meeting were organised by the EU Delegation between ICC officials and EU

Member States Heads of Mission. The ICC presented the Trust Fund for Victims to EU and Member States officials present to such meetings, and informed of possible voluntary contributions from the EU and Member States.

In **Ukraine**, the EU funds a project implemented by the Centre for Civil Liberties with a specific component on ensuring thorough investigations and adequate remedies for the victims of the recent and ongoing conflicts, notably through the promotion of the ratification of the Rome Statute of the ICC.

Since 2016, the EU has supported the setting up and operation of **the Kosovo Specialist Chambers (KSC)** and the Specialist Prosecutor's Office which were established under Kosovo law to prosecute and adjudicate criminal charges arising from the investigation into the allegations raised in a report entitled 'Inhuman treatment of people and illicit trafficking in human organs in Kosovo' released on 12 December 2010 by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe. Apart from a contribution by Norway for the reconstruction of the KSC premises in The Hague (EUR 8.4 million) 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 2016, the EU has committed EUR 150.6 million to finance the staff costs, missions, running costs and capital expenditure of the Kosovo Specialist Chambers and the Specialist Prosecutor's Office (including EUR 39 million in 2018).

The EU remains one of the biggest financial and political supporters of accountability in Syria, which is evidenced, inter alia, by our financial engagement with the IIIM (International, Impartial and Independent Mechanism on international crimes committed in the Syrian Arab Republic since 2011). The EU's financial contribution – through IcSP - amounts to EUR 1.5 million and is operational since June 2018 until December 2019.

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

Article 11 of the Cotonou Agreement provides:

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

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

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

Another example can be found in Article 7 of the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Japan, of the other part:

"1. The Parties shall cooperate to promote the investigation and prosecution of serious crimes of international concern, including through the International Criminal Court and, where appropriate, tribunals established in accordance with the relevant resolutions of the United Nations.

2. The Parties shall cooperate in promoting the objectives of the Rome Statute of the International Criminal Court, done at Rome on 17 July 1998 (hereinafter referred to as 'the Statute'). To this end they shall:

(a) continue to promote the universality of the Statute, including, where appropriate, by sharing experiences in the adoption of measures required for its conclusion and implementation;

(b) safeguard the integrity of the Statute by protecting its core principles; and

(c) work together to further enhance the effectiveness of the International Criminal Court."

Promoting international justice and accountability for international crimes was another major focus of the European Parliament during the reporting period. This included the adoption of a series of resolutions (see Annex), issuing a press statement to mark the Day of International Criminal Justice that recalled the EP's support for the ICC and highlighted the importance of universal jurisdiction as well as the preparation of a comprehensive and detailed study presented during a workshop on universal jurisdiction within the Subcommittee on Human Rights.³⁴

In the context of the EP's Human Rights Week of 19-22 November 2018 and on the invitation of the Parliament, the ICC Public Prosecutor Fatou Bensouda addressed the High Level Conference celebrating the 70th Anniversary of the Universal Declaration of Human Rights, in the presence of a number of EU high level officials, the UN and prominent regional human rights representatives.³⁵

³⁴ [http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU\(2018\)603878](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU(2018)603878).

³⁵ https://multimedia.europarl.europa.eu/en/70th-anniversary-of-universal-declaration-of-human-rights_9904_pk.

IX. CONCLUSION

Throughout the reporting period, the EU has continued to actively promote respect for IHL across the various areas covered by the Guidelines, through its policy decisions, operational activities and in cooperation with third states, regional and international actors. Building on the valuable experience of the first reporting exercise, this document is meant to consolidate the practice of drawing a factual and concise overview of the wide range of means by which the Union achieves this goal. Such an instrument should serve to better disseminate knowledge of the Union's work in this field and to help improving the coherence and effectiveness of these efforts.

At a time of increasing frequency of flagrant breaches of IHL and unprecedented displacement in armed conflict, strengthening compliance with IHL will remain at the core of the Union's wider actions at the international level. Moreover, as part of the efforts to upholding multilateralism and to effectively responding to contemporary challenges, both the EU and the EU Member States are determined to reinforce their engagement to IHL implementation. Consequently, they have committed to finding the most adequate ways of enhancing the Union's actions and capacities in this area. Thus, the new mandate of the EU Special Representative for Human Rights, highlighting its role in advancing the Union's positions on IHL and international accountability, could further contribute to ensuring the coherence and consistency of relevant EU policies, whilst showing the determination to use both internal and foreign policy tools to promote respect for the laws of war. At the same time, the pledging process for the 33rd session of the International Conference of the Red Cross and Red Crescent will offer an opportunity to examine and identify issues of importance, as well as to restate commitments in this field.

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

C 303/12

EN

Official Journal of the European Union

15.12.2009

IV

(Notices)

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 ^(*).

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.

^(*) 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 ^(*) 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.

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

(b) 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 II of the report]

i. Council Conclusions

	Subject	Date	Extract
1.	Council conclusions on Libya	17.07.2017	<p>“The EU deplores the continued violations and abuses of human rights and violations of international humanitarian law and is concerned about the humanitarian situation in Libya, where 1.3 million people require assistance. It calls for unhindered access of humanitarian aid organisations to the populations in need and the respect of international humanitarian law. The EU also underscores the need to end impunity and promote measures to protect from violence and ensure assistance and protection of victims of all forms of exploitation regardless of their status and calls for more donor support to help meet the humanitarian needs of the conflict-affected population.</p> <p>...Operation Sophia would continue to disrupt the smugglers and traffickers’ business model at sea in accordance with International Law, notably supported by training the Libyan Coast Guard and Navy including on International Humanitarian Law, Human Rights and gender issues. The Council welcomes the decision to establish a monitoring mechanism designed to assess training effectiveness.”</p>
2.	Council Conclusions on addressing the risk of famine	17.07.2017	<p>“As a result of violence, insecurity and bureaucratic impediments, humanitarian access is extremely limited and sometimes impossible. The EU calls on all relevant parties to allow unimpeded humanitarian access to all populations in need and to remove all obstacles preventing the delivery of life-saving assistance. All parties must respect international humanitarian law and international human rights law as well as humanitarian principles. If hunger is used as a weapon of war, this constitutes a grave violation of international humanitarian law, which the EU condemns in the strongest terms. The EU supports all efforts by its Member States, the UN and the UN Security Council, as well as the broader humanitarian community, to facilitate the provision of humanitarian assistance, improve</p>

			humanitarian access and resolve conflict.”
3.	Council conclusions on Afghanistan	16.10.2017	“The Council expresses its concerns with regard to the continually deteriorating humanitarian situation . The Council notes the high number of civilian casualties, and condemns all attacks targeting civilians or civilian facilities, which must be protected. The Council recalls the responsibility of all parties to protect civilians in accordance with their obligations pursuant to International Humanitarian Law and International Human Rights Law .”
4.	Council conclusions on the Joint Communication to the European Parliament and the Council: Resilience, Deterrence and Defence: Building strong cybersecurity for the EU	20.11.2017	“RECOGNISING that international law , including the UN Charter in its entirety, international humanitarian law and human rights law apply in cyberspace and thereby UNDERLINING the need to continue the efforts to ensure that international law is upheld in cyberspace;”
5.	Council conclusions on the Democratic Republic of the Congo	11.12.2017	“The EU joins with the other actors in the international community, in particular the United Nations, in condemning the serious violations and abuses of human rights and fundamental freedoms in the DRC, and the violations of international humanitarian law in Kasai in particular.”
6.	Council conclusions on Iraq	22.01.2018	“The EU expresses its concern at reports of forced and discriminatory returns. It reiterates the importance for the Iraqi Government and Kurdish Regional Government to protect civilians and ensure the safe, informed, voluntary and non-discriminatory, and unhindered return of Internally Displaced Persons (IDPs) and refugees who wish to return to liberated areas that are recognised as safe, in compliance with international law, including international humanitarian law and human rights law , and in line with international protection standards.”
7.	Council Conclusions on the Integrated Approach to External Conflicts and Crises	22.01.2018	“The Council emphasizes the importance of rule of law, respect for human rights and fundamental freedoms as well as the Responsibility to Protect. It reiterates the importance of adherence to International Humanitarian Law (IHL) and reaffirms the EU's role in taking a strong stand to promote the respect for IHL and the protection of civilians in all conflict situations. “
8.	Council Conclusions on EU Priorities in UN Human Rights Fora in 2018	26.02.2018	“The international community must never accept impunity, when genocide, crimes against humanity, war crimes, or violations and abuses of international humanitarian and international human rights law occur. The EU will therefore continue its long-standing efforts to

			<p>end impunity, strengthen accountability and support transitional justice. In line with international humanitarian law and principles, civilians and civilian objects enjoy general protection, are not to be made the object of attack and humanitarian assistance should be able to reach them. Furthermore, particularly in this year when we celebrate the European Year of Cultural Heritage, the EU expresses its concern at the frequency and scale of acts of destruction of cultural heritage, and commits its support to relevant efforts and initiatives undertaken in various UN fora in highlighting and seeking ways to prevent such acts.”</p> <p>“Recalling its previous Conclusions, the EU reiterates its strong and unequivocal condemnation of terrorism in all its forms and manifestations, committed by whomever and for whatever purpose. While fully aware of the serious challenges posed by the terrorist threat and violent extremism to countries' stability and security, the EU calls on all states to ensure that the response to terrorist crimes is taken in full compliance with international law, including international human rights law, international refugee law and international humanitarian law. It underlines the importance of the protection and promotion of the rights of victims of terrorist crimes.”</p>
9.	Council conclusions on South Sudan	16.04.2018	<p>“The EU condemns all attacks on humanitarian personnel and urges all parties to the conflict to grant free, safe and unhindered access to all areas, in accordance with international humanitarian law. The EU also calls for strong collective actions by all donors, UN agencies and NGOs to respond in a more systematic and resolute manner. The EU calls on all parties to comply with international humanitarian law, to protect civilians and to facilitate medical care. More than ever, consistent and safe access for sustained humanitarian assistance is crucial to prevent a recurrence of famine in 2018.”</p>
10.	Council Conclusions on Syria	16.04.2018	<p>“The Syrian conflict has entered its eighth year of continuous and widespread violence, persistent and brutal violations of international law, including abuses of human rights and international humanitarian law, by all parties as well as the repeated use of chemical weapons by the Syrian regime and by Da'esh.”</p> <p>“The EU demands that all parties to the conflict, especially the Syrian regime, grant unhindered, unimpeded, country-wide, safe and sustained access to the people in need wherever they are, in compliance with international humanitarian law.”</p> <p>“The EU calls upon all parties to release all persons who are detained contrary to International Humanitarian Law and of the</p>

			political detainees held mostly in the regime's prisons as well as detention centres, in line with UNSCR 2268.”
11.	Council conclusions on the Sahel/Mali	25.06.2018	“In this context, the EU expects and strongly supports the swift operationalisation of a robust compliance framework to prevent, investigate, address and publicly report violations and abuses of human rights as well as violations of International Humanitarian Law related to the G5 Sahel Joint Force.”
12.	Council conclusions on Yemen	25.06.2018	<p>“The EU urges all parties to the conflict to ensure the protection of civilians and fully respect international humanitarian law, including unimpeded humanitarian access and safe passage for those who want to escape the fighting.”</p> <p>“The EU reiterates its strong condemnation of attacks against civilians and renews its urgent call on all parties to ensure the protection of civilians and to comply with international humanitarian law and international human rights law, including to respect the principle of distinction between the civilian population and combatants, as well as between civilian objects and military objectives, the principle of proportionality, and to take precaution in the conduct of hostilities.”</p> <p>“The EU reiterates its urgent call on all parties to the conflict to take the necessary measures to ensure effective, impartial and independent investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards and with a view to ending impunity.”</p> <p>“The EU calls on all the parties to the conflict to comply with their obligations under international humanitarian law to allow and facilitate the safe, rapid and unhindered access for humanitarian supplies and personnel to all people in need in all affected governorates.”</p>
13.	Council Conclusions on the International Criminal Court on the occasion of the 20th anniversary of the adoption of the Rome Statute	17.07.2018	<p>“The Council stresses the need to further mainstream the ICC across the European Union's internal and external policy areas, in order to ensure coherence and to make it an integral part of its international humanitarian law, human rights, peacebuilding and conflict resolution discussions, and reaffirms its commitment to lend constant diplomatic support to the Court to ensure that it can effectively carry out its mandate.”</p> <p>“The Council encourages the High Representative of the Union for Foreign Affairs and Security Policy to present proposals for possible further steps on how the EU could further enhance its capabilities and structures to strengthen the visibility and coherence of EU action on international criminal justice and</p>

			international humanitarian law.”
14.	Council Conclusions Reinforcing the UN-EU Strategic Partnership on Peace Operations and Crisis Management: Priorities 2019-2021	18.09.2018	“The Council commends the references made throughout the UN-EU priorities to human rights and, International Humanitarian Law , including the protection of children and other persons in vulnerable situations in conflict and post-conflict areas.”
15.	Council conclusions on the Central African Republic	15.10.2018	“The EU emphasises the need for the international community to mobilise in response to the humanitarian emergency, and reiterates its own continuous engagement and its neutral and impartial humanitarian efforts. It calls on all parties to guarantee humanitarian agencies and their staff safe, timely and unhindered access to all areas, in full compliance with the UN's guiding principles on humanitarian assistance and international humanitarian law , in order to enable them to deliver humanitarian assistance to the most vulnerable groups in the population. The EU calls for full respect for human rights, and calls on the government of the Central African Republic to systematically condemn attacks on humanitarian workers.”
16.	Council conclusions on Libya	10.12.2018	“The EU and its Member States remain concerned by the continued violation of international humanitarian law and human rights, including sexual and gender based violence.”
17.	Council conclusions on Women, Peace and Security	10.12.2018	<p>“Systematically integrate a gender perspective into trade in and with conflict-affected situations and/or where there are serious violations of human rights and International humanitarian law. This applies particularly to trade in natural resources, including conflict minerals.”</p> <p>“Continue to implement the following: (i) ‘EU guidelines on violence against women and girls and combating all forms of discrimination against them’; (ii) ‘EU Guidelines on promoting compliance with international humanitarian law²⁶’; (iii) ‘Ensuring protection — European Union guidelines on human rights defenders²⁷’; and (iv) ‘EU human rights guidelines on freedom of expression online and offline.’”</p> <p>“Continue to implement its policy set out in the ‘EU Guidelines on promoting compliance with international humanitarian law’, with particular attention paid to respecting the prohibition of rape and other forms of sexual violence.”</p> <p>“Rape and other forms of sexual violence, when committed in the context of an armed conflict either international or non-international, constitute violations under international humanitarian law. All parties to an armed conflict must abide by the prohibition of sexual</p>

			violence."
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ii. Statements by the High Representative (HR)

	Subject	Date	Extract
1.	Declaration by the High Representative Federica Mogherini on behalf of the EU on the Autonomous Republic of Crimea and the city of Sevastopol	16.03.2018	"The ongoing militarisation of the peninsula continues to impact the security situation in the Black Sea region. In violation of international humanitarian law , Russian citizenship and conscription in the armed forces of the Russian Federation have been imposed on Crimean residents."
2.	Statement by the Spokesperson on the deteriorating situation in Yemen	12.11.2018	"The ongoing military offensive in and around the city and port of Hodeidah has intensified in the past few days with civilians caught in the crossfire and once again paying the ultimate price of the conflict. As in the past, civilian infrastructure has also been targeted by all sides in breach of international humanitarian law Parties to the conflict must allow humanitarian organisations to assist Yemenis in need, guaranteeing humanitarian access in accordance with international humanitarian law . They should also facilitate the safe passage of civilian populations out of the conflict zones."
3.	Declaration by the High Representative on behalf of the EU on the consultations in Sweden between the representatives of the Yemeni parties and the Stockholm Agreement	14.12.2018	After years of stalemate in which thousands of civilians have suffered the devastating consequences of the conflict, diplomacy has a chance in Yemen, with the recent consultations in Sweden between the representatives of the Yemeni parties, under the auspices of the United Nations. The agreement on a ceasefire in Hodeidah is particularly important. The Stockholm Agreement also includes elements on the exchange of prisoners and an understanding on Ta'iz. The progress made in Stockholm is the result of a collective engagement by the parties, the UN Special Envoy Martin Griffiths, the European Union and the whole international community. Continued attention and support from the international community, including UN Monitoring on its implementation, will be crucial.

iii. Joined Statements by the HR and the Commission

	Subject	Date	Extract
1.	Statement by the EU High Representative/Vice-President Federica Mogherini and Commissioner for	09.07.2017	"It (the EU) reiterates the importance of protecting civilian lives for the success of the campaign and for the reconciliation of the population afterwards, both in Mosul and in the campaign to liberate the remaining areas of resistance elsewhere in the country."

	Subject	Date	Extract
	Humanitarian Aid & Crisis Management Christos Stylianides following the liberation of Mosul		
2.	Statement by the High Representative/Vice-President Federica Mogherini and Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides on the World Humanitarian Day 2017	18.08.2017	"The EU is a world leader in humanitarian assistance and is committed to promoting global understanding of and respect for International Humanitarian Law and the humanitarian principles."
3.	Joint Statement by High Representative/Vice-President Federica Mogherini and Commissioner for Humanitarian aid and Crisis Management Christos Stylianides on the recent attacks in Syria	03.10.2017	"The EU recalls the strict obligation for all parties to the conflict to make the protection of civilians and civilian infrastructure their primary responsibility, in line with International Humanitarian Law . The EU will work with the rest of the international community to guarantee that there will be no impunity for deliberate violations of International Humanitarian Law."
4.	Joint Statement by High Representative/Vice-President Federica Mogherini and Commissioner for Humanitarian aid and Crisis Management Christos Stylianides and Neven Mimica, Commissioner for International Cooperation and Development on the attack against the NGO Save the Children in Afghanistan	24.01.2018	"Saving lives should not cost lives... Today's terrorist attack against the NGO Save the Children, whose staff work to help vulnerable children in Afghanistan, is a grave violation of international humanitarian law ."
5.	Statement by High Representative/Vice-President Federica Mogherini and Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides on the humanitarian situation in Eastern Ghouta and Idlib,	20.02.2018	"The European Union calls on all parties to the conflict, as well as the guarantors of the four De-Escalation Areas, to take all necessary measures to ensure the decrease of violence, the protection of the Syrian people by respecting International Humanitarian Law , and urgent humanitarian access."

	Subject	Date	Extract
	Syria		
6.	Statement of the HRVP and Commissioner for Humanitarian Aid and Crisis Management, Christos Stylianides on Hodeidah	13.06.2018	<p>"Hodeidah is one of the most densely populated areas in Yemen: an offensive on that city will have devastating consequences on the civilian population. An attack on the port of Hodeidah, which is a critical facility for the delivery of life-saving items to the Yemeni population, would further deteriorate the already catastrophic humanitarian situation in the country.</p> <p>The European Union urges all parties to the conflict to respect international humanitarian law and prioritise the protection of civilians. This includes ensuring that the port of Hodeida remains operational as a lifeline for humanitarian support and commercial access point for essential supplies.</p>
7.	Statement of the HRVP and Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides on airstrikes in Hodeidah	04.08.2018	<p>" The consecutive airstrikes in the city of Hodeidah have once again claimed dozens of lives, with many people injured. This is a tragic reminder that in Yemen the international humanitarian law - in place to protect civilians and civilian infrastructure in times of war - continues to be broken on a daily basis." ...</p> <p>"More than three years into the conflict, Yemen is the worst humanitarian crisis in the world, with 22 million people in need of assistance. The only solution that can put an end to the extreme suffering of the Yemeni people is a negotiated political solution. In this context, we support the announcement by the UN Secretary-General Special Envoy for Yemen, Martin Griffiths, of his intention to invite the parties for a first round of consultations in Geneva on 6 September."</p>
8.	Statement by High Representative/Vice-President Federica Mogherini and Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides on the World Humanitarian Day 2018	17.08.2018	<p>"The unequivocal respect of international law, the safety and security of humanitarian workers and their unfettered access to those in need are a major concern for the European Union...All parties to conflicts have an obligation under International Humanitarian Law to ensure the safety of humanitarian workers, and to facilitate unhindered and sustained humanitarian access, so that assistance can reach all people in need."</p>

iv. Statements by the Commission

	Subject	Date	Extract
1.	Statement by Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides on the humanitarian situation in Myanmar	05.09.2017	<p>"I call on all sides to de-escalate tensions and fully observe international human rights law, and in particular to refrain from any violence against civilians."</p>

	Subject	Date	Extract
2.	Statement by Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides on the humanitarian situation in Yemen	11.11.2017	"The EU shares the concerns expressed by the UN Emergency Relief Coordinator Mark Lowcock and calls for full and unrestrained access to be restored immediately... The EU urges the Coalition to ensure the immediate resumption of the UN's flights and activities... and the opening of land borders for humanitarian relief and basic commercial commodities. The delivery of life-saving supplies is critical for the Yemeni population and must be facilitated by all parties to the conflict."
3.	Statement by Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides on the earthquake on the Iran/Iraq border, 13 November 2017	13.11.2017	"We are committed to help both countries and provide any humanitarian assistance necessary. At this stage, our humanitarian partners in the region have immediately started to provide emergency assistance. We are in touch with the authorities in Iran and Iraq and our 24/7 Emergency Response Coordination Centre is closely monitoring developments in the area."
4.	Statement by Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides on the humanitarian situation in Eastern Ghouta (Syria)	18.12.2017	"I call on all parties to the conflict to make the protection of civilians their utmost priority. This is not only a moral obligation, but also a clear obligation under international humanitarian law ."
5.	Statement by Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides on the killing of aid workers in Nigeria	02.03.2018	"An attack in north east Nigeria has resulted in many casualties, with humanitarian aid workers among the victims. This senseless violence is a grave violation of all humanitarian principles."
6.	Statement by Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides on attacks on civilians and humanitarian workers in Jalalabad, Afghanistan	01.08.2018	"All parties to this conflict must abide by the principles of International Humanitarian Law , and respect and protect civilians and those who are assisting them."

v. Statements on behalf of the Union in international fora

	Subject	Date	Extract
1.	Statement by the High Representative/Vice-President Federica Mogherini and Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides on the World	18.08.2017	"The EU is a world leader in humanitarian assistance and is committed to promoting global understanding of and respect for International Humanitarian Law and the humanitarian principles ."

		Date	Extract
	Humanitarian Day 2017		
2.	Informal consultations on Improvised Explosive Devices – Key EU messages	31.08.2017	"We are deeply concerned by the indiscriminate effects of Improvised Explosive Devices which have a devastating impact at regional and national levels, particularly on civilian populations. We are particularly concerned by the use of IED by illegal armed groups, terrorists and other unauthorised users, which has continued to grow dramatically in recent years."
3.	Convention on Cluster Munitions 7MSP – EU General Statement	05.09.2017	"The European Union has a long standing tradition of promoting an international system based on stronger multilateral cooperation and good global governance, in line with the EU's guiding principles of Human Rights and International Humanitarian Law. The EU supports the humanitarian goal of the Convention on Cluster Munitions. We are deeply concerned about the reported indiscriminate use of cluster munitions affecting civilian populations in different parts of the world and the increasing number of victims. The EU calls upon all actors to refrain from such use and to fully observe the principles of International Humanitarian Law. "
4.	Arms Trade Treaty CSP3 - EU Statement on Effective Treaty Implementation	12.09.2017	"The purpose of the Treaty is not to hamper the legitimate international trade in conventional arms, but to establish the highest possible common international standards for national regulation on legal transfers and to prevent and eradicate the illicit trade in conventional arms and ammunition and prevent their diversion. The Arms Trade Treaty should prevent them from being used to threaten security, destabilise regions and States, violate international human rights law or international humanitarian law , undermine economic and social development or exacerbate conflict."
5.	EU Statement – United Nations 6th Committee: Criminal Accountability of UN Officials and Experts on Mission	06.10.2017	"We welcome efforts to support strengthening measures in this area, notably pre-deployment and mission training of personnel, including on human rights, international humanitarian law, sexual and gender-based violence and civilian protection. "
6.	EU Statement – UNGA 1st Committee: Thematic Discussion on Conventional Weapons	18.10.2017	<p>"We are deeply concerned about the reported indiscriminate use of cluster munitions affecting civilian populations in different parts of the world and the increasing number of victims. The EU calls upon all actors to refrain from such use and to fully observe the principles of International Humanitarian Law."</p> <p>"We recognise the challenges associated with the use of explosive weapons and munitions in densely populated areas and their potential impact on civilians and call on all parties to armed conflict to fully comply with International Humanitarian Law."</p> <p>"In our view, the Group of Governmental Experts, in accordance with its mandate, should enable discussion on a range of issues including a working definition of Lethal Autonomous Weapons Systems, and the application of, and compliance with International Humanitarian Law, taking</p>

		Date	Extract
			<p>into account that such fully autonomous systems do not exist at the moment."</p> <p>"Furthermore, we express our concern over the humanitarian impact and the heavy consequences on social and economic development caused by the indiscriminate and disproportionate use of Mines Other Than Anti-Personnel Mines (MOTAPM), while acknowledging that they can be used as legitimate weapons, provided appropriate safeguards are present to ensure the protection of civilians in accordance with International Humanitarian Law."</p> <p>" Every request for an arms export licence for an item listed in the EU Common Military List has to be assessed against risk criteria, such as human rights and humanitarian law violations including gender based violence, diversion, and internal or regional instability."</p>
7.	EU Statement – UNGA 1st Committee: Thematic Discussion on Regional Disarmament and Security	23.10.2017	<p>"The deliberate targeting of civilians and civilian infrastructures, including the recent airstrikes on medical facilities in Idlib province and northern Hama province, in violation of human rights and international humanitarian law must cease. The EU condemns all indiscriminate attacks and atrocities perpetrated by Da'esh and other UN-listed terrorist groups against the Syria people. The EU also condemns the continuous systematic wide spread and gross violations and abuses of human rights and all violations of international humanitarian law (IHL) by all parties, particularly by the Syrian regime and its allies. "</p>
8.	Convention on Certain Conventional Weapons - EU Statement on Lethal Autonomous Weapons Systems (LAWS)	13.11.2017	<p>"Second, ensuring the application of, and compliance with international law, in particular international humanitarian law and human rights law in the context of possible development and use of LAWS. We note that there was a general understanding at the 2016 Informal Meeting of Experts that a State will bear the legal and political responsibility and establish accountability for action by any weapon system used by the State's forces in accordance with applicable international law, in particular international humanitarian law."</p> <p>"The European Union and its Member States remain ready to engage in further work on the different ethical, legal, technical and military aspects related to LAWS, in accordance with international humanitarian law."</p>
9.	Convention on Certain Conventional Weapons – EU General Statement	22.11.2017	<p>"The CCW is a unique international instrument gathering diplomatic, legal and military expertise. It is an important part of International Humanitarian Law which contributes to preventing and reducing the suffering of both civilians and combatants. International efforts must continue to address the security, humanitarian and socio-economic impact of conventional weapons and ammunitions and to halt their indiscriminate use. This is also essential for the implementation of the UN 2030 Agenda and meeting the Sustainable Development Goals contained therein."</p> <p>"We welcome the first meeting of the Group of Governmental Experts on Lethal Autonomous Weapons Systems (LAWS) and look forward to an early continuation of its work. We encourage all States to conduct reviews to ensure that any new weapon, means or methods of warfare comply with</p>

		Date	Extract
			<p>International Humanitarian Law and other relevant rules of International Law."</p> <p>"We express our concern over the humanitarian impact and the heavy consequences on social and economic development caused by the indiscriminate and disproportionate use of Mines Other Than Anti-Personnel Mines (MOTAPM), while acknowledging that they can be used as legitimate weapons, provided appropriate safeguards are present to ensure the protection of civilians in accordance with International Humanitarian Law. We believe that further expert discussions on MOTAPM in the CCW are valuable."</p> <p>"The EU supports further discussion on emerging issues of relevance to the Convention in 2018. We recognize the challenges associated with the use of explosive weapons and munitions in densely populated areas and their potential impact on civilians. We call on all parties to armed conflict to fully comply with International Humanitarian Law."</p> <p>"The EU welcomes the important contribution of international, regional and non-governmental organisations, academia and industry to the work of the CCW. We expect this annual meeting to add impetus to our common objective of preventing and reducing the suffering of civilians and combatants and strengthening respect for International Humanitarian Law."</p>
10.	International Partnership Against Impunity for the Use of Chemical Weapons - EU Statement	28.02.2018	"We reiterate our support for the work of bodies, such as the Commission of Inquiry and the International Impartial and Independent Mechanism to ensure accountability for crimes involving breaches of international law in Syria."
11.	Arms Trade Treaty - EU key messages on export controls	06.03.2018	"Every request for an arms export licence for an item which is listed in the EU Common Military List has to be assessed against eight criteria which relate to, inter alia, international obligations, the risk of human rights and international humanitarian law violations including the risk of gender-based violence, preservation of regional peace and stability and the risk of diversion."
12.	Conference on Disarmament – EU statement on Salisbury	15.03.2018	"The European Union reaffirms once again that the use of chemical weapons, including the use of any toxic chemicals as weapons, by anyone, be it a State or a non-State actor, anywhere, and under any circumstances is abhorrent, illegal and must be systematically and rigorously condemned."
13.	Convention on Certain Conventional Weapons - Key EU messages on Lethal Autonomous Weapons Systems (LAWS)	12.04.2018	<p>"As an overarching element in the context of LAWS, we will continue to emphasise the application of, and compliance with international law, in particular International Humanitarian Law (IHL) and Human Rights Law."</p> <p>"The first GGE meeting in November confirmed that international law, including IHL and Human Rights Law, fully applies to all weapons systems, including LAWS and that States remain responsible and accountable for their development and use in armed conflict. Compliance with IHL is a key requirement that States need to fulfil in any case and without prejudice to any possible outcome of the GGE on LAWS. Appropriate human control is essential to ensure</p>

		Date	Extract
			<p>compliance with relevant IHL principles, including the protection of civilian population through distinction, proportionality and precaution in attack and the protection of sick, wounded, prisoners of war and those who are considered hors de combat."</p> <p>"While fully autonomous lethal weapons systems do not exist yet, the GGE can address challenges related to LAWS and discuss possible options for regulation of the use of emerging technologies in those weapons systems that might not fulfil the criteria set up by IHL and other provisions of international law, including on the protection of the environment."</p>
14.	EU Statement – United Nations Security Council: Upholding International Law within the Context of the Maintenance of International Peace and Security	17.05.2018	<p>"Turning to the question of strengthening compliance with international obligations critical for the maintenance of international peace and security, the EU and its Member States would like to recall that the Rule of Law components within United Nations peace keeping operations play a crucial role in integrating the promotion of justice and rule of law, including respect for human rights and international humanitarian law, in the States where they are deployed."</p> <p>"We would also like to stress the need to ensure respect for international law, including humanitarian, human rights and refugee law, as a fundamental basis of the fight against terrorism. Relevant Security Council resolutions have underscored that respect for human rights, fundamental freedoms and the rule of law and countering terrorism are mutually reinforcing objectives."</p> <p>"On the question of accountability for serious violations of international humanitarian law and human rights law, the EU believes in strengthening international courts, tribunals and mechanisms which serve this purpose as well as the promotion of the rule of law, especially in conflict and post conflict situations. In our view, peace and justice go hand in hand."</p> <p>"We would also like to encourage the Security Council to support the Geneva Intergovernmental Process on strengthening respect for international humanitarian law. On its part, and in order to promote compliance with international human rights law and international humanitarian law in a visible and consistent manner, the EU has developed operational tools in form of guidelines on human rights and international humanitarian law."</p>
15.	EU Statement – United Nations General Assembly: First report of the International, Impartial and Independent Mechanism for the Crimes committed in Syria	18.05.2018	<p>"All those responsible for breaches of international law, in particular of international humanitarian law and human rights law, some of which may constitute war crimes, genocide or crimes against humanity, must be held accountable, including those committing crimes against religious, ethnic and other groups and minorities. The EU promotes a global order based on the rule of law in which there is no shelter for the perpetrators of the most serious crimes under international law. Therefore the EU reiterates its call to have the situation in Syria referred to the International Criminal Court."</p>

		Date	Extract
16.	EU Statement – United Nations Security Council: Open Debate on Protection of Civilians in Armed Conflict	22.05.2018	"Only a couple of days ago, this Council together with numerous Member States, reaffirmed its commitment to the respect and upholding of international law . Notwithstanding, civilian populations continue to bear the brunt of armed conflicts across the globe, whether it is as victims of deliberate or indiscriminate attacks, as those suffering from the reverberating and long-term effects of urban warfare, or as those forcibly displaced from their homes. It is our collective responsibility to ensure respect for international law, including international humanitarian law and human rights law , and to hold those who violate it accountable. It needs to be said openly – civilian victims of unimaginable atrocities need elementary satisfaction of the sense of justice. We are morally obliged to bring perpetrators of crimes to justice, especially those who commit the most flagrant violations of the international law ."
17.	International Partnership Against Impunity for the Use of Chemical Weapons – EU key messages	25.05.2018	"The use of chemical weapons is unacceptable, constitutes a breach of international law and may amount to a war crime or a crime against humanity."
18.	Conference on Disarmament - EU statement on the Syrian Presidency	29.05.2018	<p>"Last week in Geneva, the UN Secretary General made a clear call to uphold the universal prohibition of chemical weapons and condemned chemical weapon attacks, as well as other attacks in violation of international humanitarian law, both deliberate and indiscriminate, against civilian populations, civilian infrastructure, hospitals and schools."</p> <p>"We must all remember that the Syrian regime bears overwhelming responsibility for prolonging the Syrian conflict which has entered its eighth year of continuous and widespread violence with persistent and brutal violations of human rights and international humanitarian law, and the confirmed use of chemical weapons by the Syrian regime and by Da'esh."</p>
19.	Arms Trade Treaty - Working Group on Effective Treaty Implementation	29.05.2018	"Every request for an arms control export licence for an item which is listed in the EU Common Military List has to be assessed against eight criteria. In line with the provisions of the Arms Trade Treaty the risk of gender-based violence and violence against women and children has to be taken into account when examining criterion 2 relating to respect for human rights in the country of final destination as well as respect by that country of international humanitarian law . Acts of gender-based violence violate a number of human rights principles enshrined in international instruments and can constitute violations of international humanitarian law if perpetrated during armed conflict. The User's Guide for the EU Common Position, which both are public documents, lists common examples of gender-based violence such as sexual violence including rape, forced prostitution, trafficking, domestic violence and forced marriage."

20.	Conference on Disarmament - EU statement on the Syrian Presidency	05.06.2018	<p>"The use of chemical weapons, including the use of any toxic chemicals as weapons, by anyone, be it a State, or a non-State actor, anywhere, and under any circumstances is abhorrent and must be rigorously condemned. It is a war crime and may amount to a crime against humanity. There can be no impunity and those responsible for such acts must be held accountable."</p> <p>"We fully support the continuation of substantive work by the subsidiary bodies and their coordinators rather than conducting parallel consultations with the current Presidency that does not have the necessary credibility or legitimacy to lead our work, due to its repeated grave violations of international law which we all have the obligation to uphold."</p>
21.	Convention on Certain Conventional Weapons, Amended Protocol II - EU Statement	11.06.2018	"The EU remains fully committed to reducing the suffering and the harm caused by mines, booby-traps, and other devices under Amended Protocol II which is an important instrument of International Humanitarian Law ."
22.	EU Statement – United Nations ECOSOC: Humanitarian Affairs Segment	19.06.2018	<p>"The respect for the humanitarian principles and the preservation of the humanitarian space remain indispensable. The EU and its Member States will continue advocating for the protection of affected populations and respect for international law, including international humanitarian law and international human rights law. Moreover, we must step up our efforts to enhance the safety and security of humanitarian and medical personnel, including local humanitarian actors. In particular, the EU and its Member States will remain advocates for the safe access to and the delivery of healthcare in armed conflicts and other emergencies."</p> <p>"We live in troubling times for many millions of people across the globe. The challenge of growing and increasingly complex humanitarian needs is unprecedented. No numbers will do justice to the acuteness and scale of these needs or quantify the scale of human suffering. Whole countries, even regions across the globe are stuck in a state of protracted crisis and fragility, where the impact of natural disasters, climate change, environmental degradation and spiralling conflict magnify each other. In blatant disregard of international humanitarian law, civilians are being killed or facing displacement. Humanitarian workers are increasingly subjected to attacks, violence and intimidation."</p>
23.	Conference on Disarmament - EU Statement on the UNSG's disarmament agenda	07.08.2018	"Every request for an arms export licence for an item listed in the EU Common Military List must be assessed on a case by case basis against eight risk criteria. These include respect for human rights and international humanitarian law also taking into account the risk of gender based violence; diversion, and internal or regional instability. The EU's Annual Report on arms exports is a significant tool in enhancing transparency in arms trade, as it displays EU Member States' arms exports as well as refused exports."

			<p>"We also appreciate the efforts of the Secretary-General to raise awareness of the challenges associated with the use of explosive weapons and munitions in densely populated areas and their impact on civilians. We call on all parties to armed conflict to fully comply with International Humanitarian Law (IHL). The EU will continue to take a strong stand to promote the respect for IHL and the protection of civilians in all conflict situations."</p> <p>"We welcome the call of the UN Secretary-General for further exchange of information on legal weapons reviews to share best practices. The first Group of Governmental Experts meeting in November 2017 confirmed that international law, in particular International Humanitarian Law, fully applies to all weapons systems, including Lethal Autonomous Weapons Systems (LAWS) and that States remain responsible and accountable for their development and use in armed conflict."</p>
24.	Statement by High Representative/Vice-President Federica Mogherini and Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides on the World Humanitarian Day 2018	17.08.2018	"The unequivocal respect of international law, the safety and security of humanitarian workers and their unfettered access to those in need are a major concern for the European Union...All parties to conflicts have an obligation under International Humanitarian Law to ensure the safety of humanitarian workers, and to facilitate unhindered and sustained humanitarian access, so that assistance can reach all people in need."
25.	Arms Trade Treaty CSP4 - EU General Statement	20.08.2018	"In this context, it has to be recalled that the ATT is the first ever legally binding regime that addresses the negative impact of poorly regulated and illicit flows of arms and ammunition on women and children. This has set a precedent and will help strengthen international norms against actions which could be used to perpetuate acts of gender based violence. This will also contribute to strengthening the commitment of States to ensure respect for International Humanitarian Law and Human Rights Law."
26.	Arms Trade Treaty CSP4 - EU Statement on Treaty Implementation	21.08.2018	"The EU Common Position has increased cooperation between national export licensing officials by establishing a notification and consultation mechanism for export licence denials. Every request for an arms export licence for an item listed in the EU Common Military List has to be assessed against the eight risk criteria. These include respect for human rights and international humanitarian law also taking into account the risk of gender based violence; internal or regional instability as well as diversion."
27.	CCW Group of Governmental Experts on Lethal Autonomous Weapons Systems (GGE LAWS) – EU statement on human control	27.08.2018	<p>"We must ensure that emerging technologies including AI that are used in weapons systems are developed and applied according to the principles of responsible innovation and ethical principles, such as accountability, and that they comply with international law, including International Humanitarian Law and Human Rights Law."</p> <p>"While a working definition on LAWS would bring further clarity to our debate, we recognize the difficulty in trying to agree on such a definition. Nevertheless, we should maintain our efforts to find further common ground on the concept and characteristics of LAWS, pursue further discussions on the</p>

			issue of human control and identify and agree a set of common principles. Further discussions should address, inter alia, how to ensure compliance with international law, including International Humanitarian Law and Human Rights Law, of emerging weapons systems with increasingly autonomous functions."
28.	CCW Group of Governmental Experts on Lethal Autonomous Weapons Systems (GGE LAWS) – EU statement on human control	28.08.2018	"The November 2017 GGE LAWS meeting confirmed that international law, including International Humanitarian Law and Human Rights Law, fully applies to all existing and emerging weapons systems and that States remain responsible and accountable for their development and use in armed conflict."
29.	CCW Group of Governmental Experts on Lethal Autonomous Weapons Systems – EU statement on recommendations	29.08.2018	<p>"We welcome your idea, Mr. Chairman, to agree on a set of common principles, building on the previously agreed work to provide a shared reference point for further work. Such principles could include the reaffirmation that international law, including IHL and Human Rights Law, applies to the development and use of all present and future weapons systems, and set out some key elements of human control."</p> <p>"The GGE LAWS has been mandated to explore and agree on possible recommendations on options related to emerging technologies in the area of LAWS. This might include possible regulatory options as regards the use of emerging technologies in weapons systems with increasingly autonomous functions to ensure compliance with international law, International Humanitarian Law, Human Rights Law and other provisions of international law, including on the protection of the environment."</p>
30.	Convention on Cluster Munitions 8MSP - EU statement	04.09.2018	"We are deeply concerned by the reported indiscriminate use of cluster munitions affecting civilian populations in different parts of the world and the resulting victims. The EU calls upon all actors to refrain from such use and to fully adhere to the principles of International Humanitarian Law ."
31.	UNGA High Level Event: "Civilians under fire: their protection and the respect for IHL"- Statement by the European Commission	26.09.2018	<p>"Upholding the International Humanitarian Law is not just a legal and moral obligation. It is the foundation of peace and security. And a pre-condition for of stability in the world today. As Heads of States gather to discuss global issues, we are meeting to address our own global challenge: how to ensure that International Humanitarian Law is respected, even in the most complex armed conflicts. "</p> <p>"The European Union is single-minded in our commitment to International Humanitarian Law. It is part of our DNA. It is the foundation of our rules, and integral to our international policies. And as the European Union was the first regional organisation to adopt the Guidelines on IHL compliance, the EU has placed these principles at the heart of our activities. The European Union believes in backing the work of strong, able partners. Such as the ICRC and Geneva Call. Both present today. And we disseminate IHL to armed forces and non-State actors worldwide. Reinforcing the vital work of UN Member States devoted to advancing international humanitarian norms."</p> <p>"Violations of International Humanitarian Law are the rule,</p>

			<p>rather than the exception. Civilians, particularly women and children, fall victim to violence and abuse. Critical civilian infrastructure is deliberately destroyed, booby trapped, or co-opted for military purposes. Violations of International Humanitarian Law impede aid workers from reaching the vulnerable. Undermining the timely delivery of basic, life-saving supplies. Even education – the shield against radicalisation and lost generations of youth. And Humanitarian workers continue to lose their lives, trying to save lives. This is tragic. And should never happen. Nor should we accept this as the by-product of helping others in conflict."</p> <p>"Upholding the International Humanitarian Law is not just a legal and moral obligation. It is the foundation of peace and security. And a pre-condition for of stability in the world today. "</p>
32.	UNGA 1st Committee – EU general statement	08.10.2018	<p>"We emphasise that all existing as well as future weapons systems must be developed, deployed and used in conformity with international law, including Human Rights Law and International Humanitarian Law. We firmly believe that humans must continue to be able to make the decisions with regard to the use of lethal force, maintain control over lethal weapons systems they use, and remain accountable for decisions over life and death."</p> <p>"The EU will continue to take a strong stand to promote the respect for International Humanitarian Law and the protection of civilians in all conflict situations. The UN Secretary-General has rightly drawn our attention to the continued attacks, both deliberate and indiscriminate, against civilian populations, hospitals and schools. Every day, news reports remind us that civilians disproportionately suffer from the consequences of conflict and instability. Persons in vulnerable situations are particularly affected. This was a worrying trend throughout 2017, which unfortunately has continued in 2018. Civilian populations continue to bear the brunt of armed conflicts across the globe, whether it is as victims of deliberate or indiscriminate attacks, as those suffering from the humanitarian, reverberating and long-term effects of urban warfare, or as those forcibly displaced from their homes. We call on all parties to armed conflict to fully comply with International Humanitarian Law."</p>
33.	General Assembly Third Committee Item 70: Promotion and Protection of the Rights of Children - statement by Delegation of the European Union to the United Nations	09.10.2018	<p>As an international community we need to pay particular attention to specific risks and therefore needs of children who suffer the effects of armed conflicts and its atrocities: violence, killing and maiming, recruitment and use by armed forces and criminal groups and gangs, abductions, rape and other forms of sexual abuse, attacks on schools and hospitals, and denial of humanitarian access in contravention of international humanitarian law. "</p>
34.	EU Statement – United Nations 6th Committee: Status of the Protocols Additional to the Geneva Conventions	16.10.2018	<p>"The EU and its Member States reaffirm the obligation of all parties involved in armed conflicts to respect international humanitarian law in all circumstances and ensure respect for it. We find it deeply alarming that reports of war crimes which cause tremendous harm around the globe illustrate grave disregard for international humanitarian law. Civilians</p>

	of 1949 and relating to the protection of victims of armed conflict		regretfully remain to be the main victims of international and non-international armed conflicts. The international community must address this situation promptly and resolutely."
35.	UNGA 1st Committee – EU statement: Thematic Discussion on regional disarmament and security	29.10.2018	<p>"The war in Syria has entered its eighth year of continuous and widespread violence with persistent and brutal violations of human rights and International Humanitarian Law, and the repeated use of chemical weapons by the Syrian regime and by Da'esh. We must all remember that the Syrian regime bears the overwhelming responsibility for the catastrophic humanitarian situation and the suffering of the Syrian people."</p> <p>"We condemn, in the strongest terms, all attacks, both intentional and indiscriminate, against civilian populations, and civilian infrastructure, hospitals and schools, which contravene International Humanitarian Law (IHL). We underline that IHL is applicable and binding to the use of all weapons. The use of barrel bombs, cluster bombs and incendiary weapons in Syria may amount to war crimes."</p>
36.	UNGA 1st Committee – EU statement: Thematic Discussion on disarmament machinery	31.10.2018	"We profoundly regret that the Syrian Arab Republic assumed the Presidency of the CD in May - June 2018 in view of its lack of legitimacy given the brutal violations of human rights and international humanitarian law and repeated grave violations of its disarmament and non-proliferation obligations, including the prohibition of chemical weapons."
37.	EU Statement – United Nations 3rd Committee: Report of the High Commissioner for Refugees	31.10.2018	"We take the opportunity to express our deepest appreciation for the humanitarian relief workers and volunteers who regularly put their lives at risk to assist those in need. Let us collectively strive to uphold the core humanitarian principles and underline the importance of respect for international humanitarian, human rights as well as refugee law
38.	Draft resolution on the situation of human rights in Syria, EU general statement (after the vote)	15.11.2018	All those responsible for such breaches of international law, in particular of international humanitarian law and human rights law , some of which may constitute war crimes or crimes against humanity, must be brought to justice, including those committing crimes against religious, ethnic and other groups and minorities. Impunity for such crimes is unacceptable and thus the EU will continue to support efforts to gather evidence in view of future legal action. The EU reiterates its call to have the situation in Syria referred to the International Criminal Court by the Security Council. In the absence of avenues for international justice, the prosecution of war crimes under national jurisdiction, where possible, represents an important contribution towards securing justice. We are concerned by the ongoing destruction of cultural heritage in Syria and we recall that intentionally directing attacks against historical monuments may amount to war crimes."

39.	General Assembly Third Committee, Item 74: Promotion and Protection of Human Rights- statement by the Delegation of the European Union to the United Nations	16.11.2018	"In this year where we celebrate the 70th anniversary of the Universal Declaration, and while greater numbers of people are enjoying human rights than perhaps ever in history of mankind, gross violations and abuses of human rights continue unabated, including arbitrary detention or arrest, enforced disappearances, torture and inhuman treatment, forced displacements and violations of international humanitarian law including indiscriminate attacks on civilians, etc."
40.	CCW- EU statement on Protocol V on Explosive Remnants of War	19.11.2018	"We strongly support efforts to strengthen this important instrument of International Humanitarian Law and enhance its implementation in order to reduce the humanitarian harm and minimise the risks and effects of ERWs."
41.	CCW – EU Statement on Amended Protocol II on Mines, Booby-Traps and Other Devices	20.11.2018	"The EU remains fully committed to reducing the suffering and the harm caused by mines, booby-traps, and other devices under Amended Protocol II. Amended Protocol II represents an important instrument of International Humanitarian Law (IHL) and the EU appreciates your efforts towards its universalisation and better implementation."
42.	Convention on Certain Conventional Weapons – EU General Statement	21.11.2018	<p>"The EU and its Member States have a long-standing commitment to the CCW and its Protocols. They play a very important role in the implementation of International Humanitarian Law (IHL)."</p> <p>"We recall that international law, in particular International Humanitarian Law and International Human Rights Law, fully applies to all existing and emerging weapons systems and that States remain responsible and accountable for their use in armed conflict."</p> <p>"We continue to be concerned at the humanitarian impact and the heavy consequences on social and economic development arising from the indiscriminate and disproportionate use of Mines Other Than Anti-Personnel Mines (MOTAPM). We acknowledge that MOTAPM are legitimate weapons, provided they are used in a manner that ensures the protection of civilians, in accordance with IHL. We believe that MOTAPM should remain on the CCW agenda for further discussions."</p> <p>"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. We appreciate the recent efforts to give further attention to the issue, raise awareness and share information with the aim to protect the civilian populations and civilian objects from the effects of hostilities and to enhance compliance with IHL. We support the continuation of discussions on this matter within the CCW."</p>

			<p>"The EU remains gravely concerned over the situation in Syria which is causing unacceptable suffering for civilian populations. We condemn the alleged use of air-delivered incendiary weapons against civilians or military targets located within a concentration of civilians in Syria. We call on all States not yet party to join Protocol III of the Convention and all States to fully comply with its provisions."</p>
43.	CCW - EU statement on Lethal Autonomous Weapons Systems	22.11.2018	<p>"In line with the Guiding Principles, we reaffirm that international law, including International Humanitarian Law (IHL) and International Human Rights Law, fully applies to existing and emerging weapons systems and that States remain responsible and accountable for their development and use in armed conflict."</p> <p>"Despite the difficulty in trying to agree on a working definition on LAWS, we should continue efforts to find further common ground on the concept and characteristics of LAWS and on the issue of human control, inter alia, how to ensure compliance with international law, including International Humanitarian Law and International Human Rights Law, of emerging weapons systems with increasingly autonomous functions."</p> <p>"On possible options for addressing the humanitarian and international security challenges posed by emerging technologies in the area of LAWS, we support the continuation of the GGE's work in 2019 within the framework of the CCW with the aim to achieve further substantive recommendations, including options for work on an outcome document. This might include possible regulatory options as regards the use of emerging technologies in weapons systems with increasingly autonomous functions to ensure compliance with International Humanitarian Law, Human Rights Law and other provisions of international law, including on the protection of the environment."</p>
44.	Anti-Personnel Mine Ban Convention – EU statement on cooperation and assistance	29.11.2018	<p>"The EU's support for the implementation and universalisation of the Convention can be seen in the broader context of our interest in achieving a more secure world based on multilateralism and the rules-based international system and our core values which include respect for human rights and International Humanitarian Law."</p>

45.	EU Statement Safety and Security of Humanitarian Personnel and Protection of UN Personnel	14.12.2018	"The EU and its MS reiterate their unwavering support for the ICC as the world's first permanent international criminal Court, and an important tool of the international community for fighting impunity and contributing to peaceful societies. The gross violations of international humanitarian law and human rights that we witness worldwide are a sharp reminder of the increasing relevance of the Court, the role of which is to complement rather than replace existing national judicial systems. The primary responsibility to investigate and prosecute crimes remains with the individual States. All perpetrators of such crimes must be held accountable for their actions: a key element in the Rome Statute is its equal application. In this respect, the creation of the ICC has given millions of victims of atrocity crimes new hope that justice will be done. States from all over the world have joined efforts to make this possible."
46.	EU Statement – United Nations General Assembly: Strengthening UN coordination of humanitarian and disaster relief assistance	14.12.2018	<p>"We will persevere in our efforts to ensure that the respect for international humanitarian law, refugee law and international human rights law, including safeguarding safe, rapid, unhindered and sustained humanitarian access, remains at the top of the international agenda. And where violations of IHL occur, we will insist on the importance of accountability. Full, prompt, impartial and effective investigations are indispensable, including through the use of the International Criminal Court as a court of last resort."</p> <p>"The European Union and its Member States are committed to assume our part of the shared responsibility of the international community to save lives, alleviate suffering and preserve human dignity. Protecting civilians, ensuring respect for IHL and providing principled, needs-based assistance will remain the cornerstones of our continued commitment to remain at the forefront of the international humanitarian response."</p> <p>"Finally, we continue to witness how International Humanitarian law is disregarded by parties to conflicts on an almost daily basis, with disastrous consequences. Hospitals are being attacked, patients, doctors, nurses and humanitarian workers targeted, often killed. Civilians are being trapped in deadly sieges. Parties to conflicts routinely fail in their legal obligation to protect civilian populations."</p>
47.	EU Statement – United Nations Security Council: Open Arria Formula Meeting on Protecting Medical Care in Armed Conflict	21.12.2018	"The EU and its Member States, as staunch defenders of international legal norms and principled humanitarian assistance, are deeply concerned about the continued reports of attacks and violence against healthcare facilities and aid workers. The recurrent failure of parties to armed conflicts to comply with their obligations under IHL continues to pose critical challenges to the protection of medical workers. This not only endangers the physical security of such personnel, but also prevents the delivery of essential – often lifesaving – services to civilians in need."

vi. Resolutions of the European Parliament

	Subject	Date	Extract
1.	European Parliament resolution on Addressing human rights violations in the context of war crimes, and crimes against humanity, including genocide	04.07.2017	<p>"1.reaffirms, in this context, that it should be of paramount importance for the EU to address and hold accountable those responsible for severe violations of human rights reaching the gravity threshold of crimes against humanity and genocide and grave breaches of IHL reaching the level of war crimes;</p> <p>...</p> <p>8. Urges the VP/HR: to continue the cooperation with and training of the staff of the EU delegations and Member States' embassies, as well as of civilian and military missions, in the fields of international human rights, humanitarian law and criminal law, including the capacity to detect potential situations involving war crimes, crimes against humanity, genocide and grave violations of IHL, inter alia by regular exchanges with local civil society</p> <p>...</p> <p>28. Calls on the Member States to ensure that coordination and cooperation with the ICC is included in the mandate of the relevant regional EU Special Representatives (EUSRs); reiterates its call on the VP/HR to appoint an EUSR on IHL and International Justice with a mandate to promote, mainstream and represent the EU's commitment to the fight against impunity and to the ICC across EU foreign policies;</p> <p>....</p> <p>30. Stresses that the principle of complementarity of the ICC entails the primary responsibility of its States Parties to investigate and prosecute atrocity crimes; expresses its concern that not all EU Member States have legislation defining those crimes under national law over which their courts can exercise jurisdiction; calls for the EU and its Member States to make full use of the 'Advancing the principle of complementarity' toolkit;</p> <p>....</p> <p>34. Recalls its strong condemnation of the atrocities committed by the Assad regime in Syria, which can be considered as serious war crimes and crimes against humanity, and deplores the climate of impunity for perpetrators of such crimes in Syria;</p> <p>35. Deplores the widespread lack of respect for IHL and the alarming rate of loss of civilian lives and attacks against civilian infrastructure in armed conflicts around the world; urges the international community to convene an international conference to prepare a new international mechanism for tracking and collecting data, and for publicly reporting on violations in the course of armed conflicts; reiterates its request to the VP/HR to present, on an annual basis, a public list of alleged perpetrators of attacks on schools and hospitals, for the purpose of defining appropriate EU action to halt such attacks;</p> <p>36. Calls on the Member States to ratify the principal IHL instruments and other relevant legal instruments; acknowledges the importance of the EU Guidelines on promoting compliance with IHL, and reiterates its call on the</p>

	Subject	Date	Extract
			<p>VP/HR and the EEAS to step up their implementation, notably in relation to war crimes in the Middle East; calls on the EU to support initiatives aiming at spreading knowledge of IHL and good practices in its application, and calls on the EU to seize all bilateral tools at its disposal effectively in order to promote compliance with IHL by its partners, including through political dialogue;</p> <p>37. Stresses that Member States should refuse to provide arms, equipment or financial or political support for governments or non-state actors violating international humanitarian law, including by committing rape or other sexual violence against women and children;.”</p>
2.	European Parliament resolution on cases of Crimean Tatar leaders Akhtem Chygoz, Ilmi Umerov and the journalist Mykola Semena	05.10.2017	<p>“3. Reminds the Russian Federation, as an occupational power in effective control over Crimea bound by the international humanitarian law and international human rights law, of its obligation to ensure the protection of the human rights in the peninsula and calls on the Russian authorities to grant unimpeded access to Crimea for international institutions and independent experts of the OSCE, the United Nations and the Council of Europe, as well as for any human rights NGO or news media outlets that wish to visit, assess and report on the situation there;”</p>
3.	European Parliament resolution on the situation in Yemen	30.11.2017	<p>“11. Calls on all sides to comply with international humanitarian law and international human rights law, to ensure the protection of civilians and to refrain from directly targeting civilian infrastructure, in particular medical facilities and water systems;</p> <p>12. Recalls that the deliberate targeting of civilians and civilian infrastructure, including hospitals and medical personnel, amounts to a grave violation of international humanitarian law; urges the international community to make provisions for the international criminal prosecution of those responsible for violations of international law committed in Yemen; fully supports, in this regard, the decision of the UN Human Rights Council to carry out a comprehensive investigation into the crimes committed in the conflict in Yemen;</p> <p>13. Fully supports efforts by EU Member States and third countries to establish international mechanisms to gather evidence and to hold those responsible for grave human rights violations and breaches of international humanitarian law to account; stresses that ensuring accountability for violations is indispensable to achieving a long-term settlement of the conflict;</p> <p>...</p> <p>15. Calls on the Council to effectively promote compliance with international humanitarian law, as provided for in the relevant EU guidelines; reiterates, in particular, the need for the strict application by all EU Member States of the rules laid down in Council Common Position 2008/944/CFSP; recalls, in this regard, its resolution on the humanitarian situation in Yemen of 25 February 2016, which calls on the VP/HR to launch an initiative to impose an EU arms embargo against Saudi Arabia, given the serious allegations of breaches of</p>

	Subject	Date	Extract
			international humanitarian law by Saudi Arabia in Yemen and the fact that the continued licensing of weapons sales to Saudi Arabia would therefore be in breach of Council Common Position 2008/944/CFSP;”
4.	European Parliament resolution on the Democratic Republic of the Congo	18.01.2018	<p>“H. whereas armed clashes continue between the Congolese army and local militias, particularly in Kasai; whereas this has resulted in a severe humanitarian crisis, with killings, torture and rape, the destruction of homes, medical facilities and schools, and the discovery of 40 mass grave sites in Kasai; whereas there has been no progress in bringing the perpetrators to justice;</p> <p>3. Expresses extreme concern over the evidence from human rights organisations, in particular the December 2017 inquiry report of the International Federation for Human Rights (FIDH) on the massacres in Kasai, according to which a ‘deliberate strategy of terror and destruction, which led to crimes against humanity’ is being perpetrated by the Congolese security forces and government-backed militias in Kasai province; urges the International Criminal Court (ICC) and the UN to investigate these claims;”</p>
5.	European Parliament resolution on the situation in Syria	15.03.2018	<p>“E. whereas these attacks and the use of starvation of civilians through besieging populated areas and forced displacement of the population, including with the aim of demographic change, as war tactics constitute clear breaches of international humanitarian law; whereas obstructing evacuation efforts and the delivery of humanitarian aid and medical care constitute blatant violations of international humanitarian law ...;</p> <p>K. whereas it is the obligation of the international community and individual states to hold to account those responsible for violations of international human rights and humanitarian law committed during the Syrian conflict, including through the application of the principle of universal jurisdiction as well as national law; whereas this can be done on the basis either of existing national and international remedies, including national courts and international tribunals, or of ad hoc international criminal tribunals yet to be established; whereas in addition to such personal criminal accountability, states can, under certain conditions, also be prosecuted for breaches of obligations under international treaties and conventions over which the International Court of Justice has jurisdiction, including the 1948 Convention on the Prevention and Punishment of the Crime of Genocide;</p> <p>1. Strongly condemns, once again and in the strongest terms, all atrocities and the widespread violations of human rights and international humanitarian law committed during the conflict, and in particular the acts perpetrated by forces of the Assad regime, including with the support of its allies Russia and Iran, as well as by the UN-listed terrorist organisations; deplores the fact that at least 400 000 people have been killed, and thousands more injured, by bombing, shelling and other military means in Syria during seven years of conflict, and that millions have been displaced, with civilians denied access to food, water, sanitation and healthcare as a consequence of lengthy sieges of densely populated areas; expresses its grave concern over the</p>

	Subject	Date	Extract
			<p>spiralling violence in many parts of the country, as is the case in Eastern Ghouta, Afrin and Idlib;</p> <p>...</p> <p>8. Urges, once again, safe, timely and unhindered humanitarian access throughout the whole territory of Syria and welcomes UNSC Resolution 2393, which renewed the authorisation for cross-border and cross-conflict-line humanitarian access to Syria for a further 12 months (until 10 January 2019); encourages the UN and its implementing partners to continue to take steps to scale up humanitarian deliveries to hard-to-reach and besieged areas, including by using, as effectively as possible, border crossings under UNSC Resolution 2165 (2014); supports the call for humanitarian mine action to be accelerated as a matter of urgency throughout Syria and reminds all parties to the conflict that hospital and medical personnel are explicitly protected under international humanitarian law; deplores the various cases of sexual abuse and misconduct found to have occurred within international aid organisations, including the sexual exploitation of Syrian refugees by those delivering aid on behalf of the UN and well-known international organisations; strongly declares that there should be no tolerance for such acts; urges a thorough investigation and stresses that all those responsible must be punished;."</p>
6.	European Parliament resolution on the Philippines	19.02.2018	<p>"12. Condemns all forms of violence against women and recalls that such violence constitutes a serious violation of the human rights and dignity of women and girls;; reminds the President that encouraging state forces to commit sexual violence during armed conflict is in violation of international humanitarian law; calls on the President to treat women with respect and to refrain from inciting violence against women;"</p>
7.	European Parliament recommendation to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Libya	30.05.2018	<p>"(h) to continue to emphasise that there can be no military solution to the Libyan crisis and to reaffirm the need for all parties and armed groups in Libya to commit to Article 42 of the Libyan Political Agreement, respect the principles of international humanitarian law and international human rights law, and refrain from violent rhetoric and from the use of violence, and to demobilise and commit to a peaceful solution to the conflict, ...;</p> <p>...</p> <p>u) to continue to resolutely condemn the violations of international humanitarian law and to intensify efforts to provide humanitarian assistance to the population in need and to all parts of the country, in particular regarding healthcare and energy facilities; to increase the effectiveness of humanitarian financial assistance and to enhance support for and cooperation with humanitarian organisations on the ground;; to call for the AU, UN and EU to continue working together and to take strong measures for an immediate end of these human rights violations;;"</p>
8.	European Parliament resolution on Russia, notably the case of Ukrainian political prisoner Oleg Sentsov	14.06.2018	<p>"18. Reminds the Russian authorities that in their de facto capacity as occupying power exercising effective control over Crimea, they are fully responsible for the protection of Crimean citizens from arbitrary judicial or administrative measures, and, in the same capacity, they are bound by</p>

	Subject	Date	Extract
			international humanitarian law to ensure the protection of human rights on the peninsula;."
9.	European Parliament resolution on the threat of demolition of Khan al-Ahmar and other Bedouin villages	13.06.2018	<p>"D. whereas the forcible transfer of residents of an occupied territory, unless the security of the population or imperative military reasons so demand, is prohibited under the Fourth Geneva Convention, and constitutes a grave breach of international humanitarian law;</p> <p>2. Warns the Israeli authorities that the demolition of Khan al-Ahmar and the forcible transfer of its residents would constitute a grave breach of international humanitarian law</p> <p>5. ... stresses that the demolition of houses, schools and other vital infrastructure in the occupied Palestinian territory is illegal under international humanitarian law."</p>
10.	European Parliament resolution on the Situation in Yemen	14.10.2018	<p>"G. whereas the Saudi-led campaign and the intense aerial bombardments, including indiscriminate attacks in densely populated areas, exacerbate the humanitarian impact of the war; whereas the laws of war prohibit deliberate and indiscriminate attacks on civilians and civilian targets such as schools and hospitals; whereas, having regard to the findings of the Group of Independent Eminent International and Regional Experts (GEE), such attacks may amount to war crimes and the individuals who commit them may be prosecuted for these crimes; whereas the Saudi-led coalition's investigations into alleged war crimes in Yemen have lacked credibility and failed to provide redress to civilian victims;</p> <p>10. Calls on all parties to the conflict to take the necessary measures to ensure effective, impartial and independent investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards; is deeply concerned about reports of denial of freedom of religion or belief, which include discrimination, unlawful detention, the use of violence, and abuses of human rights, including sexual and other violence against women, men, girls and boys, in violation of international standards;</p> <p>20. Calls on the Council to effectively promote compliance with international humanitarian law, as provided for in the relevant EU guidelines; reiterates, in particular, the need for the strict application by all EU Member States of the rules laid down in Common Position 2008/944/CFSP; recalls, in this regard, Parliament's resolutions on the situation in Yemen of 25 February 2016 and 30 November 2017; urges all EU Member States in this context to refrain from selling arms and any military equipment to Saudi Arabia, the UAE and any member of the international coalition, as well as to the Yemeni Government and other parties to the conflict."</p>
11.	European Parliament resolution of 14 November 2018 on arms exports: implementation of Common Position 2008/944/CFSP	14.11.2018	<p>"10. Criticises the systematic failure to apply the eight criteria by Member States and the fact that military technology does reach destinations and end users that do not meet the criteria laid down in the Common Position;</p> <p>11. Believes that exports to Saudi Arabia, the UAE and other members of the Saudi-led coalition in Yemen are non-compliant with at least criterion 2 because of those countries' involvement in grave breaches of humanitarian law as</p>

	Subject	Date	Extract
			established by competent UN authorities; reiterates its call of 13 September 2017 regarding the urgent need to impose an arms embargo on Saudi Arabia, and calls on the VP/HR and the Council to extend such an embargo to all other members of the Saudi-led coalition in Yemen; 15. Is shocked at the amount of EU-made weapons and ammunition found in the hands of Da'esh in Syria and Iraq
12.	European Parliament resolution on Annual report on human rights and democracy in the world 2017 and the European Union's policy on the matter	12.12.2018	"reiterates its call for the VP/HR to appoint an EU Special Representative on International Humanitarian Law and International Justice with a mandate to promote, mainstream and represent the EU's commitment to the fight against impunity;"

B. COOPERATION WITH INTERNATIONAL ORGANISATIONS & OTHER ACTORS

[See section IV of the report]

i. Financial assistance provided to international criminal tribunals

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

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

Since the creation of the KSC in 2016, three grant agreements were concluded between the Commission and the KSC, covering the periods of 15 June 2016 – 14 June 2017, 15 June 2017 – 14 June 2018 and 15 June 2018 – 14 June 2020 respectively. The budgeted maximum EU contribution for the period 15 June 2016 – 14 June 2017 was EUR 29 100 000, while the budgeted maximum EU contribution for the period 15 June 2017 – 14 June 2018 was EUR 39 347 026 (excluding contingencies). The reference amount for the period 15 June 2018 – 14 June 2020 is EUR 86 250 000 (including contingencies). However, for budgetary reasons, the maximum amount of the EU contribution as specified in the current grant agreement is only EUR 39 238 927, corresponding to the costs for the period 15 June 2018 – 14 June 2019 (excluding contingencies).

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

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

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

- "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 1.12 M EUR)

- "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 1.55 M EUR)"

ii. Funding assistance to support activities to promote compliance for IHL - examples of projects funded under the Instrument Contributing to Security and Peace

In **Colombia** the IcSP has supported the training of members of the Colombian armed forces on the elements of the definitive ceasefire between the Colombian government and FARC as well as on the principles of disarmament. The training was given in preparation of the deployment of the Armed Forces to the demobilisation zones where they to provide security and protection to communities. The project was successful to a point that it was extended to also cover FARC and ELN fighters and even UN monitors. The project, implemented by Social Development Group, was active from November 2016 till April 2018 and had an overall value of EUR 800.000.

The IcSP provides financing to organisations that are actively supporting conflict affected population in eastern **Ukraine** by providing psychosocial assistance, including strengthening the resilience of adolescents and youth by enabling them to develop coping mechanisms and conflict-resolution competencies. In addition, IcSP has funded a pilot project implemented by the Center for Civilians in Conflict (CIVIC) with an overall aim of assisting the Ukrainian government to undertake reforms in policy and practice that will reduce harm to civilians on both sides of the contact line.

Support has also been provided to **OHCHR** through the IcSP, with two projects funded during the reporting period, for a total of EUR 5.5 million. The objective of such projects has been to support the operations of the Human Rights Monitoring Mission in Ukraine, with a focus on regions affected by conflicts (Eastern Ukraine, Crimea).

Through the **ENTRI project (Europe's New Training Initiative for Civilian Crisis Management)** IcSP supports training for civilian experts in stabilisation missions including a specific course targeting field officers working on Human Rights. The overall objective of the course is to provide the experts who already had relevant experience in the field and worked for inter-national organisations in missions with the specific competences and skills they need to fulfil their tasks as members of a Human Rights field operation. The curriculum includes the theoretical as well as the practical aspects of an officer's tasks. Specifically the course was designed to:

- Deepen and refresh the participants' knowledge of International Human Rights Law and of other bodies of International Law aimed at the protection of individuals and groups (International Humanitarian Law, International Criminal Justice, Refugee Law, international standards pertaining to the protection of IDPs, etc.);
- Familiarize participants with the institutional aspects related to the establishment and the functioning of Human Rights Field Operations, with particular reference to those organized by the UN and by the EU;
- Transfer the skills needed to perform the main tasks usually assigned to Human Rights Field Officers (Monitoring, Fact Finding, Reporting, Capacity Building, etc.)

The training was conducted from 8-16 February 2018 in Addis Abbaba by the Scuola Superiore Sant'Anna (SSSUP) in cooperation with the School of Law, University of Addis Ababa and CMC Finland. 20 experts were trained.

Protection of children and protection against sexual and gender-based violence

Actions under the IcSP support **the implementation of International Humanitarian Law with regard to the protection of children affected by armed conflict, as well as to the accountability for sexual and gender-based violence during times of armed conflict or in the aftermath of disasters and other**

emergencies. IcSP actions included support to gender-sensitive transitional justice, a survey on (conflict-related) violence against women in South East Europe and Eastern Europe, the protection of children from violence and prevention of violence against children in Sudan, as well as education and social reintegration of children victims of violence in Colombia, Niger and Senegal.

- 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:

Renforcement du droit des enfants et des jeunes à l'éducation et à la protection contre la violence et l'exploitation pour favoriser la stabilité et la paix dans la région de Diffa (implemented by UNICEF)

Objective: Améliorer l'offre de services d'éducation non formelle et de protection pour les enfants et les jeunes de la région de Diffa

Duration: 12/2015 – 12/2017

EU contribution: EUR 4,900,000

Location: Niger

Réintégration des enfants exploités au Sénégal et au Mali afin de contribuer à la prévention de crises futures dans la sous-région (implemented by SOS Villages d'Enfants Belgique)

Description: This project's activities include education and social reintegration work for 1500 children who have either been exploited or been the victims of violence, including leading information campaigns on their rights.

Duration: 03/2015 – 02/2018

EU contribution: EUR 750,000

Location: Senegal

Child release and reintegration in Sudan (implemented by UNICEF)

Objective: Children affected by armed conflict are protected from violence, abuse, and exploitation and benefit from improved responsive and preventive child protection systems.

Duration: 04/2018 – 04/2019

EU contribution: EUR 2,187,049

Location: Sudan

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

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

Duration: 02/2017 – 02/2020

EU contribution: EUR 849,994

Location: Colombia

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

Gender-Sensitive Transitional Justice (implemented by UN Women)

Objective: This action aimed to increase the effectiveness of TJ processes to contribute to a more just and stable society by increasing the extent to which these processes prioritize victims (men, women, boys and girls on their respective needs) and take into account the different needs of conflict-affected population.

Success stories from 2016 and 2017:

- This action contributed to the deployment of an SGBV justice expert to support judges in the trial of Hissène Habré, which resulted in the first ever conviction of a former Head of State for direct perpetration of rape, under international law.

- The Government of Kosovo created, staffed and trained a Commission for the Verification of the Status of Victims of Sexual Violence following two years of intensive technical assistance from UN Women through this action. 177 survivors of CRSGBV received micro-grants and psychological support in a pilot initiative.
- At the ICC, a gender advisor deployed through this action trained more than 70 staff members from the Office of the Prosecutor on SGBV

EU contribution: EUR 3,500,000

Duration: 02/2015 – 10/2018

Location: global (focus on Colombia, Kosovo, the Philippines)

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

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

EU contribution: EUR 2,000,000

Duration: 01/2015 – 05/2019

Location: Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia, Moldova and Ukraine.

Women Building Peace: promoting the role of Afghan women in peace and security processes and in the prevention of gender-based violence (implemented by the Cooperation for Peace and Unity)

Objective: The aim of the project was to contribute to building gender-sensitive conflict-resolution mechanisms. It worked to promote the participation of women in conflict-resolution and mitigation mechanisms and the prevention of violence.

Duration: 01/2016 – 12/2018

EU contribution: EUR 590,807

Location: Afghanistan

Transitional Justice:

On 16 November 2015, the EU's Foreign Affairs Council adopted an **EU Policy Framework on support to transitional justice (TJ)** in response to the commitment in the EU's Action Plan on Human Rights and Democracy (action 22b). The Council affirmed the EU's intention to play an active and consistent role in support of transitional justice processes. The Council acknowledged the need for the EU to support both the political will and technical capacity for reform at the national level. The Council also noted that the operationalisation of the EU Policy Framework is a joint undertaking and shared responsibility for EU institutions and services as well as for Member States, in capitals and on the ground.

The Policy Framework outlines the **five key objectives** (*ending impunity, providing recognition and redress to victims, fostering trust, strengthening rule of law and contributing to reconciliation*) to which the **four main elements** (*criminal justice, truth, reparations and guarantees of non-recurrence/institutional reform*) contribute. The EU Policy Framework adopts **nine guiding principles** as well as several

measures to implement the framework.

Thematic support to Transitional Justice under IcSP:

- **Facility under the Instrument contributing to Stability and Peace (IcSP) focusing on Justice in Conflict and Transition:** first ever facility dedicated to supporting transitional justice processes. Through the Facility, short-term expert advice will be provided to support third countries' justice processes during conflict, post-conflict and transition periods including in areas of restoration of justice for the population, formal and community-based transitional justice processes. Worldwide coverage, foreseen budget of EUR 2 million. Operational from 15.01.2019.

Final evaluation regarding the support to transitional justice during the period 2014 -2018 under IcSP : a sector-wide evaluation is being carried focusing on the overall assessment of IcSP performance in the area of transitional justice and to underpin the formulation of key lessons and recommendations for the future. The total amount of the **selected projects is EUR 18 850 000** and projects have been supported in **DRC, Iraq, Colombia, CAR, Guinea, Niger and at global level**. Given the importance of integrating a **gender dimension**, it is worthwhile to note that the EU supported a global UN Women-led project of EUR 3 500 000 for a 4-year period to support gender-sensitive transitional justice programming. Results have been encouraging and project-specific evaluation is currently underway to draw lessons learned.

- Several other IcSP facilities exist which touch upon some elements of transitional justice, such as the **Security Sector Governance Facility**.

Geographic interventions under IcSP Article 3

Project name: Gender-Sensitive Transitional Justice

Region/country: Global

Amount: EUR 3,500,000.00

Duration: 01/02/2015 – 31/10/2018

Implementing partners: UN WOMEN

Description: This action aims to increase the effectiveness of TJ processes to contribute to a more just and stable society by increasing the extent to which these processes prioritize victims (men, women, boys and girls on their respective needs) and take into account the different needs of conflict affected population.

Project name:: Phase 2 - Appui aux cellules de poursuite

Region/country: DRC

Amount: EUR 3,200,000.00

EUR 3,500,000.00

Duration: 01/02/2015 –31/12/2018

Implementing partners: UNDP

Description: Projet d'appui à la justice militaire en RDC à travers le renforcement des cellules d'appui aux poursuites. Depuis 2013, le programme est soutenu par un projet financé par l'UE et mis en œuvre conjointement par le PNUD et la MONUSCO. L'objectif du projet est de renforcer les capacités et

l'efficacité du système de justice militaire en vue de lui permettre de lutter contre l'impunité des crimes graves en traduisant en justice les auteurs. Cet appui se fait en développant les capacités opérationnelles des cellules d'appui aux poursuites et renforçant davantage les capacités des autorités de justice militaire

Project name: Assistance in Accounting for Iraq's Missing and Disappeared Persons

Region/country: Iraq

Amount: EUR 4,200,000.00

Duration: 02/2018 – 08/2019

Implementing partners: ICMP

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

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

Region/country: Central African Republic

Amount: EUR 2,099,920.00

Duration: 20/12/2017- 20/06/2019

Implementing partners: TRUSTEES OF COLOMBIA UNIVERSITY IN THE CITY OF NEW YORK

Description: The project aims to advance accountability for war crimes and support the families right to truth through the use of forensic science in CAR.

Main objectives: 1) Establish and strengthen institutional capacities to conduct forensic investigations among Central African actors; 2) To increase accountability for war crimes through the use of forensics in the CAR judicial system, 3) To advocate for and implement a family first approach to forensic investigations, and 4) Facilitate the safe return of refugees and IDPs.

Project name: Soutenir la participation des victimes au procès du 28 septembre en Guinée

Region/country: Guinea

Amount: EUR 550,000

Duration: 04/2018 – 10/2019

Implementing partners: FIDH

Description: L'Action proposée a pour objectif de répondre (i) à la nécessité de poursuivre les actions de mobilisation pour l'organisation rapide du procès du 28 septembre 2009 et (ii) aux besoins spécifiques des victimes tout au long de ce procès.

Project name: Programme d'appui au traitement judiciaire et au processus de réintégration des ex-combattants de Boko Haram

Region/country: Niger

Amount: EUR 2,700,000

Duration: 03/2018 – 09/2019

Implementing partners: Search For Common Ground

Description: Le projet vise à contribuer à une réinsertion consensuelle des ex-combattants de Boko Haram dans la région de Diffa par un dialogue entre l'Etat du Niger, les populations affectées et les détenus/anciens membres de Boko Haram. Prévenir les risques d'escalade violente au niveau intra- ou intercommunautaire, en soutenant le dialogue entre les groupes cibles – et notamment avec la communauté Toubou-, tout en favorisant l'intégration socio-économique des communautés dites marginalisées et des régions de la bande sahélo-saharienne

Project name: Strengthening criminal justice responses to terrorism in Nigeria

Region/country: Nigeria

Amount: EUR 4 500 000

Duration: 2015/2017

Implementing partners: UNODC-CTED

Description: The aim of this programme is to step up efforts in counterterrorism in Nigeria by contributing to a more effective response through the penal justice system.

The main areas of assistance include:

- (i) strengthening investigation capacity, increasing the scale of evidence-based prosecution and adjudication of terrorism-related cases in compliance with human rights, and to build institutional capacity and expand the numbers of trainers;
- (ii) building capacity pertaining to the legal and criminal justice aspects of counter-terrorism challenges, such as countering the financing of terrorism and to provide advisory services to the Government concerning appropriate legislation; and
- (iii) fostering inter-agency, regional, and international cooperation in criminal matters related to terrorism.

Project name: Supporting the Governance, Administrative, and Analytical Functions of the Commission for International Justice and Accountability, Contributing to International Security and Justice in Syria and the global pursuit of justice for the victims of war

Region/country: Syria

Amount: EUR 1,500,000

Duration: 01/08/2016-31/01/2018

Implementing partners: STICHTING THE COMMISSION FOR INTERNATIONAL JUSTICE AND ACCOUNTABILITY

Description: Through this intervention, the European Union supports the work of CIJA to continue to prepare new criminal case files covering both regime and opposition conduct of hostilities and to finalize a case on economies-of-the war. In addition, CIJA will launch new investigations, notably into crimes committed in detention and into crimes against humanity committed by global Islamic State, and coming under International Criminal Court (ICC) jurisdiction. This task is executed with political impartiality in support of

future prosecution before the International Criminal Court and/or a hybrid tribunal(s). CIJA's several large networks of investigators operate in the region to extract and safely store evidence. As a result of this work, CIJA has collected, analyzed, and stored over a million pieces of varied evidence, assembled numerous trial-ready briefs and other legal documentation, and assisted contemporary national and international bodies' efforts to hold perpetrators accountable, in order to document human rights violations and fight impunity

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

Region/country: Syria

Amount: EUR 1,500,000

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

Implementing partners: UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

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

The Overall Objective of the Action is to contribute to ensuring accountability for the most serious crimes under international law committed in the Syrian Arab Republic since March 2011.

Project name: Continued EU support to the Special Tribunal for Lebanon

Region/country: Lebanon

Amount: EUR 7,500,000

Duration: 01/10/2016 – 28/02/2018

Implementing partners: SPECIAL TRIBUNAL FOR LEBANON

Description: To promote rule of law and contribute to reconciliation, peace and stability in Lebanon by ensuring that the Special Tribunal for Lebanon (STL) is able to continue its work uninterrupted

Project name: Local Justice for Peace in the context of the Colombian Government's Rapid Response Strategy

Region/country: Colombia

Amount: EUR 4.500.000

Duration: 18 months

Implementing partners: REDPRODEPAZ

Description: The aim of the project is to help the government to enter into previously FARC-dominated territories and generate trust in the state institutions by providing quality services in the judicial field and by creating and/or consolidating Local Justice Systems (LJS). The Government seeks to do so by including a wide range of existing actors of the administrative justice, alternative justice community justice and ethnic justice fields. The Strategy is innovative since it enables many actors (Peace Judges, Conciliators, community Councils, indigenous justice actors and justice mechanisms used by Afro Colombians) to form

an active part of these new LJS by fostering their participation. It therefore, promotes peace-building in the most conflict affected and isolated territories by inclusive participation mechanisms of actors that have been severely marginalised by the violence and could not exercise their rights nor their own justice despite the fact of enjoying those constitutional rights.

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

Region/country: Colombia

Amount: EUR 700.000

Duration: 18 months

Implementing partners: UNDP

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

Project name: Hacia la Reconciliación y la Construcción de Paz: Reintegración de Niños y Niñas de las FARC-EP Towards Reconciliation and Peacebuilding: Reintegration of Girls and Boys of the FARC-EP

Region/country: Colombia

Amount: EUR 2.600.000

Duration: 18 months

Implementing partners: UNICEF

Description: Contribute to the reception, assistance, attention, social inclusion and reintegration of minors released both formally and informally by the FARC-EP or by other illegal armed groups. Support the Agreement reached in Havana, Cuba on children, their release, assistance, and social inclusion/community re-integration process.

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

iii. Agreements concluded between the European Union and Third Countries

	Subject	Date	Extract
1.	Framework Agreement between the European Union and its Member States, of the one part, and Australia, of the other part	07.08.2017	„The Parties reaffirm the importance of the prevention of, and fight against, terrorism in full respect for the rule of law and human rights and in accordance with applicable international law, including the UN Charter, international anti- terrorism conventions, relevant UN Security Council Resolutions, refugee law and international humanitarian law .“
2.	Comprehensive and enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part	24.11.2017	"The Parties agree that it is essential that the fight against terrorism be conducted with full respect for the rule of law and in full conformity with international law, including international human rights law, international refugee law and international humanitarian law , the principles of the UN Charter, and all relevant international counter-terrorism-related instruments."
3.	Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part	01.12.2017	"The Parties reaffirm the importance of the fight against terrorism in full respect for the law, including the UN Charter, human rights law, refugee law and international humanitarian law . Within this framework and in accordance with the UN Global Counter-Terrorism Strategy, contained in UN General Assembly Resolution 60/288, and in the EU-ASEAN Joint Declaration of 28 January 2003 on co-operation to combat terrorism, the Parties agree to strengthen cooperation in the prevention and suppression of terrorism."
4.	Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Japan, of the other part	17.07.2018	"The Parties shall work together at the bilateral, regional and international levels to prevent and combat acts of terrorism in all its forms and manifestations in accordance with applicable international law, including international counter-terrorism-related agreements, international humanitarian law and international human rights law, as applicable to the Parties, and the principles of the Charter of the United Nations."

C. RESTRICTIVE MEASURES³⁶

[See section V 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".
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 4(3): Paragraph 1 shall not apply where the Sanctions Committee: [...] (c) authorises in advance and on a case-by-case basis, the transit of individuals returning to the territory of the State of their nationality, or participating in efforts to bring to justice perpetrators of grave violations of human rights or international humanitarian law ."
4.	COUNCIL DECISION 2017/1775/CFSP of 28 September 2017 concerning restrictive measures in view of the situation in Mali	Mali	Article 1: "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: [...] (e) obstructing the delivery of humanitarian assistance to Mali, or access to, or distribution of, humanitarian assistance in Mali; (f) planning, directing, or committing acts in Mali that violate international human rights law or international humanitarian law , as applicable, or that constitute human rights abuses or violations, including those involving the targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge; (g) the use or recruitment of children by armed groups or armed forces in violation of applicable international law, in the context of the armed conflict in Mali;

³⁶ Council Decisions are updated from time to time.

	Decision		Criteria
5.	COUNCIL DECISION 2013/184/CFSP of 22 April 2013 concerning restrictive measures against Myanmar/Burma and repealing Decision 2010/232/CFSP	Myanmar/Burma	Art 6(1)(b): “natural persons from the Myanmar Armed Forces (Tatmadaw) and the Border Guard Police responsible for obstructing the provision of humanitarian assistance to civilians in need;”
6.	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	Article 8 (2) (a) : "involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in Libya, including by ... "; Article 8 (2) (c): " 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"
7.	COUNCIL DECISION 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP	Somalia	Article 2: "— 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; [...] — obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia, — being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law , — 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."
8.	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."

9.	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,..."
10.	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..." ³⁷
11.	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."
12.	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)".

³⁷ This criterion does not explicitly mention human rights criteria but refer to human rights issues.

D. INTERNATIONAL CRIMINAL TRIBUNALS

[See section VIII of the report]

	Subject	Date	Extract
1.	Statement on behalf of the European Union and its Member States" (UNGA 72/Plenary) "Report of the International Criminal Court"	30.10.2017	"The ICC remains an important guarantor of the respect of international humanitarian and human rights law in all countries and a source of hope for millions of victims of atrocity crimes around the world."
2.	Statement on behalf of the European Union and its Member States (UNGA 73-Plenary) "Report of the International Residual Mechanism for Criminal Tribunals"	17.10.2018	"As mentioned in the report, national prosecutions are now essential to achieving greater justice for the victims of war crimes... "
3.	Statement on behalf of the European Union and its Member States (UNGA 72-Plenary) "Report of the International Tribunal for the Prosecution of Persons Accused Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and "International Residual Mechanism for Criminal Tribunals"	18.10.2018	"It is therefore of utmost importance that an appropriate implementation of international humanitarian law and international criminal law continues to be the Tribunal's guiding principle until the very end of its functioning."
4.	Statement on behalf of the European Union and its Member States (UNGA 73-Plenary) "Report of the International Criminal Court"	29.10.2018	"International criminal justice is not only a powerful deterrent against future violations of international humanitarian and human rights law "

ANNEX III - Council Conclusions on the International Criminal Court on the occasion of the 20th anniversary of the adoption of the Rome Statute



Brussels, 17 July 2018
(OR. en)

11240/18

COJUR 12
COPS 271
CONUN 188
COAFR 191
JUR 372

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	10884/18 COJUR 11 COPS 260 CONUN 169 COAFR 181 JUR 347
Subject:	Council Conclusions on the International Criminal Court on the occasion of the 20th anniversary of the adoption of the Rome Statute

Delegations will find enclosed the Council Conclusions on the International Criminal Court on the occasion of the 20th anniversary of the adoption of the Rome Statute

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COUNCIL CONCLUSIONS
ON THE INTERNATIONAL CRIMINAL COURT ON THE OCCASION OF
THE 20TH ANNIVERSARY OF THE ADOPTION OF THE ROME STATUTE

1. On the occasion of the 20th anniversary, on 17 July 2018, of the adoption of the Rome Statute, the Council celebrates the achievements in the field of international criminal justice over the last two decades and highlights the valuable contribution of the International Criminal Court to the fight against impunity. At a time when the rules-based international order is facing increased pressure, the strengthening of its criminal justice system is more important than ever.
2. The Council underlines, also taking into account the Global Strategy on the EU's Foreign and Security Policy, the crucial importance of a shared rules-based global order, with multilateralism as its key principle and the United Nations at its core, and reconfirms the European Union's unwavering support to the ICC and its commitment to renew its efforts to promote the universality and preserve the integrity of the Rome Statute.
3. The Council welcomes the activation by consensus of the Court's jurisdiction over the crime of aggression as of 17 July 2018, thereby completing the legacy of the Nuremberg Trials and of the Rome and Kampala conferences of 1998 and 2010.
4. The European Union has been a strong supporter of the Court since its creation and has used the instruments at its disposal to help increase support of the Court. As the world's first and only permanent international criminal court for the investigation and prosecution of the most serious crimes, the ICC demonstrates the international community's resolve to end impunity for the most heinous crimes and to foster a culture of accountability.

5. The Court has brought historic advancements for the protection of those in most fragile and vulnerable situations, including delivering land-mark verdicts on sexual violence, recruitment of child soldiers and destruction of cultural property. The Council highlights the Court's important role for delivering justice to victims of atrocious crimes, giving them a voice by enabling participation in its proceedings, providing assistance to them and awarding reparations. The Court's Trust Fund for Victims has assisted thousands of victims with physical and psychological rehabilitation and material support. The Council encourages States Parties and others to continue to support the Trust Fund for Victims.
6. The Council encourages the continued integration of a gender perspective and analysis into all of its work and notes with appreciation the work of the ICC in this regard. The European Union underlines the importance of a fair gender and geographical representation amongst the judges, prosecutors, counsels, officials and other staff at the Court, as well as representation of the principal legal systems of the world.
7. The Council recalls the key role of civil society in the establishment and the functioning of the ICC and in providing support to victims, and commits to protect civil society space and respond to threats to human rights defenders, including by strengthening the financial support to frontline human rights defenders.
8. The European Union deeply regrets Burundi's withdrawal from the Rome Statute and the Philippines' notification of withdrawal. It calls upon the respective governments to reconsider their decisions. The EU further urges those States that have not yet done so, especially candidate countries, to urgently ratify the Rome Statute. It further invites States Parties, having considered their national circumstances, to consider whether to ratify or accept the Rome Statute's amendments.

9. The Council holds that any concerns of States Parties to the Rome Statute should be addressed and discussed in the appropriate fora and encourages the States concerned to engage in constructive deliberations and work towards mutually beneficial solutions. It encourages States Parties to adhere to the principles of unity, cooperation, coordination and complementarity in the light of the common goals of securing long-term gains for international justice and achieving further effectiveness and efficiency in the activities of the ICC. The European Union and its Member States are willing to listen carefully and to engage in a constructive dialogue about the concerns expressed by some States, as long as the core principles of the Rome Statute are not called into question. The 20th anniversary of the Rome Statute is a unique opportunity to do so in a frank manner, taking stock of what has been achieved, but also discussion the way ahead.
10. States Parties' full cooperation with the ICC is essential for the Court to effectively and efficiently fulfil its mandate. In particular, the prompt execution of arrest warrants is one of the key obligations to cooperate with the Court. The European Union is resolved to promote cooperation with the ICC through the consistent implementation of its guidelines on non-cooperation, including on the execution of outstanding arrest warrants. The Council calls upon all States Parties to fully comply with their obligations under the Rome Statute and explore further ways to assist the Court, also by considering the conclusion of voluntary cooperation agreements. The Council recalls the importance of close cooperation between the UN, including the Security Council, and the Court.
11. The Council recalls that the ICC is a court of last resort which complements, not replaces, national courts. The Council therefore highlights the importance of complementarity and cooperation between national jurisdictions and the Court as one of the most important features of the Rome Statute and commits to promote the strengthening of national justice systems. In this regard, the Council welcomes the complementarity efforts conducted by the Office of the Prosecutor and highlights the long-term value of national efforts in combating impunity for the most serious international crimes.

12. The Council stresses the need to further mainstream the ICC across the European Union's internal and external policy areas, in order to ensure coherence and to make it an integral part of its international humanitarian law, human rights, peacebuilding and conflict resolution discussions, and reaffirms its commitment to lend constant diplomatic support to the Court to ensure that it can effectively carry out its mandate.
 13. The Council encourages the High Representative of the Union for Foreign Affairs and Security Policy to present proposals for possible further steps on how the EU could further enhance its capabilities and structures to strengthen the visibility and coherence of EU action on international criminal justice and international humanitarian law.
 14. The Council considers that the 20th anniversary of the adoption of the Rome Statute presents an opportunity to advance the fight against impunity for the most serious crimes of international concern and support the rule of law. It commends the efforts of States Parties to commemorate this anniversary with different events held worldwide in celebration of the advancement of international criminal justice and encourages the EU and its Member States to continue to promote awareness of the ICC and the Rome Statute, particularly among youth.
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