



WORKING PARTY ON PUBLIC INTERNATIONAL LAW (COJUR)

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

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I. INTRODUCTION

International humanitarian law, a fundamental part of international law, aims to limit the effects of armed conflict. It does so by regulating the means and methods of warfare and by protecting those not involved in combat, such as civilians, medical personnel and humanitarian aid workers. In particular, it sets out the responsibilities of States and non-State armed groups during armed conflict.

The Geneva Conventions of 1949, which set out the main rules and principles of international humanitarian law, have been universally ratified. However, they have not been fully complied with. On the contrary, over the past decade, the European Union (EU), along with its international partners, has noted an increase in violations of international humanitarian law. For example, attacks on civilian populations, including humanitarian actors, have tripled over the past twenty years.

The EU has made compliance with international humanitarian law one of its priorities. The reason is that international humanitarian law is one of the most powerful instruments available to the international community to ensure the protection and dignity of all people. It is also a necessary pre-condition for the unimpeded deployment of humanitarian aid in conflict zones.

The European Union's commitment to compliance with international humanitarian law is not new. The promotion of international law and human dignity¹ is part of the broader framework of objectives set out in its founding treaties.

In 2005, a decisive step was taken when the Council adopted the European Union Guidelines on promoting compliance with international humanitarian law (hereinafter the 'Guidelines'), updated in 2009.

EXTRACT FROM THE GUIDELINES

I. PURPOSE

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

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

These Guidelines set out the various operational tools that can be used to carry out this task². This makes the European Union the first regional organisation to have such a mechanism, which is regularly monitored by the Council Working Party on Public International Law (COJUR).

More recently, in the face of increasing violations of international humanitarian law, the EU has reaffirmed on numerous occasions its firm intention to promote the effectiveness of this branch of law. The Strategic Compass for Security and Defence, adopted on 21 March 2022³ following

1 Article 21 of the Treaty on European Union.

2 Annex X, Updated European Union Guidelines on promoting compliance with international humanitarian law, OJ C 303, 15.12.2009, p. 12.

3 *'We remain strongly committed to promoting and advancing human security and the respect of and the compliance with International Humanitarian and Human Rights Law and the protection of civilians, including humanitarian personnel, in all conflict situations, as well as to further developing the EU due diligence policy in this regard.'*

the Global Strategy for the European Union's Foreign and Security Policy adopted in 2016, expressly incorporates this objective⁴. This commitment was further reflected in the endorsement by the EU, along with 53 other signatories, of the Humanitarian Call for Action launched in September 2019 by the French and German authorities in the framework of the Alliance for Multilateralism⁵. Similarly, the European Union Action Plan on Human Rights and Democracy 2020–2024 develops aspects of international humanitarian law. These issues are linked, in particular, to the protection of civilians and the need to ensure that the EU's security sector support policy complies with the principles of international humanitarian law⁶. Lastly, respect for these principles was at the heart of the first European Humanitarian Forum between 21 and 23 March 2022 which was held in a hybrid format by the European Commission and France under its presidency of the Council of the European Union. The European Humanitarian Forum sought to find practical solutions to the challenges faced by humanitarian actors and beneficiaries on the ground.

The European Union therefore has a number of means at its disposal to promote compliance with international humanitarian law. These means can engage the responsibilities of different EU institutions and bodies – the Council, the High Representative, supported by the European External Action Service (EEAS), the European Commission and the European Parliament – as well as Member States. It involves the exercise of the EU's powers across different policy areas, in particular common foreign and security policy (CFSP) – common security and defence policy (CSDP) – development cooperation and humanitarian aid.

Among the many steps taken by the European Union to promote compliance with international humanitarian law, the Guidelines are particularly important because they constitute the reference document on which EU policy in this area is based. The document describes the policy levers available to the EU to carry out this task. The Guidelines are therefore addressed to all those working in the EU or with the EU in its relations with the rest of the world. The ultimate aim of these Guidelines is to ensure that the actions of the EU's bodies and institutions are guided by the prevention

or mitigation of violations of international humanitarian law wherever they operate.

The Working Party on Public International Law (COJUR) has published an annual report on the implementation of these Guidelines since 2018. The purpose is to increase the visibility of the wide range of measures undertaken in favour of international humanitarian law and to facilitate the Council's assessment of the EU's work in this field. This helps to improve the coherence, complementarity and coordination of various EU actions to promote compliance with international humanitarian law. These reports can be viewed and downloaded, on a public-access and free-of-charge basis, on the Council's website (in both English and French)⁷. They are often disseminated by humanitarian actors themselves, for example on the website of the International Committee of the Red Cross (ICRC).

This report, the fifth to date, covers the period from 1 January 2021 to 31 December 2021. It shows that, once again this year and despite the continuing global pandemic, the EU has continued to play a particularly active role in the implementation of the Guidelines.

In completing the drafting of this report, the Working Party on Public International Law benefitted from significant input from Commission services, the EEAS and the European Parliament.

The 2021 report provides a concise, coherent, transparent and factual overview of the most relevant actions taken by the EU during the reporting period.

At the same time, it does not attempt to be exhaustive or to duplicate material in other publications. It also contributes to the action plan set out in the pledge "Strengthening compliance with international humanitarian law (IHL) through its promotion, dissemination and implementation" submitted by the EU and its Member States at the 33rd International Conference of the Red Cross and Red Crescent in 2019⁸.

Given that it is a public report, it does not cover all activities falling within the scope of the Guidelines. The reason is that some of these activities are, in view of their nature and subject matter, sensitive or classified.

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- 4 A Global Strategy for the European Union's Foreign and Security Policy, EEAS, June 2016, p. 42, endorsed by the Council in its conclusions of 17 October 2016.
 - 5 Call for Action to strengthen respect for international humanitarian law and principled humanitarian action, July 2019 <https://multilateralism.org/en/domaines-daction/appele-a-laction-pour-renforcer-le-respect-du-droit-international-humanitaire/>
 - 6 EU Action Plan on Human Rights and Democracy 2020–2024, <https://date.consilium.europa.eu/doc/document/ST-12848-2020-INIT/en/pdf>
 - 7 Report on the EU guidelines on promoting compliance with international humanitarian law, April 2018 (<https://www.consilium.europa.eu/en/documents-publications/publications/ihl-report-eu-guidelines-april-2018/>) June 2019 (<https://www.consilium.europa.eu/en/documents-publications/publications/ihl-report-eu-guidelines-2019/>) June 2020 (<https://www.consilium.europa.eu/en/documents-publications/publications/ihl-report-eu-guidelines-2020/>) June 2021 (<https://www.consilium.europa.eu/en/documents-publications/publications/ihl-report-eu-guidelines-2021/>).
 - 8 Pledge: Strengthening compliance with international humanitarian law (IHL) through its promotion, dissemination and implementation, December 2019, <https://rcrcconference.org/pledge/strengthening-compliance-with-international-humanitarian-law-ihl-through-its-promotion-dissemination-and-implementation/>

The report's structure is based on each category of action the EU undertakes to promote international humanitarian law: public statements in various international bodies such as at the 76th session of the UN General Assembly; political dialogues; cooperation with international organisations, including, for the first time, in a strategic dialogue with the UN High Commissioner for Human Rights; cooperation with other actors such as the International Committee of the Red Cross (a long-standing humanitarian partner of the EU); restrictive measures against governments and individuals that violate international humanitarian law; arms export control and arms control; crisis management operations and training; and international criminal tribunals and mechanisms to ensure that those responsible for serious violations of international humanitarian law are held accountable for their actions.

While the period covered by the report ends in December 2021, its publication comes in the context of the invasion of Ukraine by Russian armed forces as of February 2022 and the subsequent armed conflict.

This tragic situation, which stems from a violation of the most fundamental principles of international law, has been widely condemned at the highest levels of the European Union.

The war in Ukraine requires, more than ever, that all EU stakeholders be particularly vigilant about possible violations of international humanitarian law that may occur in this conflict, whether they have already been committed or are committed in its aftermath.

II. STATEMENTS

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

EXTRACT FROM THE GUIDELINES

Paragraph 16 (b):

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

STATEMENTS, DECLARATIONS AND CONCLUSIONS

At foreign ministers' level, the Foreign Affairs Council, as the decision-making body on foreign policy, frequently approves conclusions in relation to particular conflicts and crises around the world and advocates respect for international humanitarian law.

For example, on 12 July 2021, the Council approved conclusions setting out the **EU's priorities at the United Nations during the 76th United Nations General Assembly**. The Council stated that the EU would remain a **vocal defender of international humanitarian law** and would promote safe, rapid and unimpeded access to affected populations, the principled delivery of humanitarian aid as well as the safety, security and protection of civilians, in particular women and children, persons with disabilities, and of humanitarian and medical workers.

In its conclusions of 20 May 2021 on the Communication from the Commission to the European Parliament and the Council on the EU's humanitarian action, the Council noted that the **COVID-19 pandemic had significantly amplified the impact of conflicts**, and in particular the growing number of **breaches of international humanitarian law**. The Council stressed that respect for IHL was a pre-condition for effective and efficient humanitarian aid in situations of armed conflict, for alleviating the suffering of affected populations and for ensuring their increased protection. On that occasion, the Council stressed the importance of putting respect for and compliance with IHL consistently at the heart of the EU's external action – as expressed in the EU Guidelines on Promoting Compliance with International Humanitarian Law.

On 15 November 2021, the Council approved conclusions welcoming the upcoming **6th Review Conference of the Convention on Certain Conventional Weapons (CCW)**, noting in particular that the CCW was a **key instrument of international humanitarian law**, which contributed to preventing and reducing the suffering of both civilians and combatants.

In addition, the Council regularly approves conclusions on **specific situations**, in which it calls on the parties to the conflict to respect international humanitarian law.

For example, on 10 May 2021, the Council approved conclusions on the **Horn of Africa**, in which it noted that **violations of international humanitarian law persisted in the region**.

In its conclusions of 16 April 2021 on the **European Union's Integrated Strategy in the Sahel**, the Council stated that the EU would continue to actively promote **respect for international humanitarian law** vis-à-vis its Sahel partners.

On 11 March 2021, in its conclusions on **Ethiopia**, the Council urged all parties to **immediately end violence, and to respect international humanitarian law**.

In a broader context, in its conclusions of 22 February 2021 on **EU Priorities in UN Human Rights Fora in 2021**, the Council listed a number of territories in respect of which the **EU would continue to closely monitor the implementation of international humanitarian law by the parties to the conflict**: the Autonomous Republic of Crimea and the city of Sevastopol, illegally annexed by the Russian Federation and areas of eastern Ukraine currently not under the control of the Government of Ukraine, Ethiopia, the Sahel region, Myanmar/Burma, Afghanistan,

the Central African Republic, the occupied Palestinian territory where Israel has obligations under IHL, Libya, Yemen, and Syria.

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

In 2021, the High Representative issued numerous statements in relation to the situation in **Afghanistan**, on behalf of the EU or at his own initiative, in particular with regard to the protection of civilians.

In the context of the conflict in **Syria**, the EU continued to call upon the Syrian regime and its allies to adhere to the principle of protection of civilians and international humanitarian law, and to avoid escalation and restore calm permanently.

In the context of the conflict in **Ethiopia**, a number of statements were issued jointly with the Commissioner for Humanitarian Aid and Crisis Management, expressing EU concern for the protection of civilians and refugees in Ethiopia, following reports of casualties and serious human rights, international refugee law and international humanitarian law violations.

Similarly, members of the Commission, in particular the Commissioner for Crisis Management, issued statements relating to IHL. These concerned particular humanitarian crises, such as Syria, Ethiopia/Tigray, Afghanistan, Yemen and reiterated the EU's commitment to IHL and the protection of humanitarian workers on the occasion of World Humanitarian Day. For example, a Joint Statement following the roundtable on the humanitarian emergency in Tigray, Ethiopia, issued by USAID Administrator Samantha Power, High Representative (HR)/VP Josep Borrell Fontelles, Commissioner Lenarčič, and Commissioner Urpilainen stressed that: "Such methods of warfare are grave violations of international humanitarian law. The independent investigation of human rights violations is of paramount importance. [...] Given this looming humanitarian catastrophe, we reaffirm our solidarity with all those affected by the conflict in Tigray and recall the obligation of all the parties to the conflict to adhere to international humanitarian law and exercise their responsibility towards the protection of all civilians, including humanitarian workers. This should remain paramount and must be applied at all times, and not be conditional on a ceasefire being in place."

The Commissioner has also issued over 70 tweets. Such tweets are becoming an increasingly effective form of public advocacy. Collectively they represent continuous, high-level and public engagement by the EU as an

international actor. They are a way in which to show that the EU responds to events and crises and serve to highlight the importance of respect for IHL.

In relation to **Armenia** and **Azerbaijan**, the EU, through the issuance of several statements throughout the year, continued to urge for full respect of commitments undertaken in the framework of the 9 November 2020 trilateral statement on complete ceasefire and termination of all hostilities in the area of the conflict, respect for obligations under international humanitarian law and investigation into alleged abuses and violations. Engagement at the highest level, and through the EUSR, for the South Caucasus contributed to progress made on the release of detainees and the hand-over of minefield maps, as well as the resumption of direct dialogue between the governments of Armenia and Azerbaijan. The EU called for the speedy resolution of all outstanding humanitarian issues, and argued in favour of the release of all detainees, as well as of the need to address the fate of missing persons. The EU continued to provide humanitarian assistance to people in need across the divide and to work to ensure unimpeded humanitarian access to conflict-affected populations.

In relation to **Georgia**, the EU issued several statements and tweets/public comments urging Russia to fully implement the 12 August 2008 Agreement, and stressing the need for tangible results in the Geneva International Discussions. The aim is to mitigate the security and human rights challenges of the conflict-affected population. The EU expressed concern about the restrictions on freedom of movement, as well as the detentions and human rights violations in Georgia's breakaway regions. The EU stressed the need for unhindered access by international humanitarian and human rights mechanisms of relevant international organisations and encouraged increased efforts to address the fate of missing persons.

The importance of international humanitarian law and human rights has been highlighted in various press statements in relation to the launch of the EU Training Mission in **Mozambique** (EUTM Mozambique) in October 2021 and the assistance measure under the European Peace Facility (EPF) in support of the Republic of Mozambique.

In 2021, several statements by the High Representative and his Spokesperson, as well as local statements, highlighted the EU's long-standing position on **Israel's** settlement policy. The settlement policy is illegal under international law. In this context, the EU called on the Israeli authorities to fully meet their obligations as an occupying power under international humanitarian law.

Throughout 2021, the EU also issued a number of statements in relation to the dire humanitarian situation in **Yemen**. These statements called on the parties to respect IHL. On 22 September 2021, for example, the Commissioner for Crisis Management called on the parties to the conflict to grant unrestricted humanitarian access and to allow the flow of basic commodities in the country.

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

RESOLUTIONS

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

In its resolution of 20 January 2021 on **human rights and democracy in the world and the European Union's policy on the matter**, the European Parliament expressed particular concern about the heightened international political tensions. The European Parliament reiterated the need to invest in conflict prevention in the context of the increasing complexity of modern conflicts and their disastrous consequences, such as the rise of human rights and international humanitarian law violations, in a context in which the distinction between combatants and non-combatants is becoming particularly challenging. The European Parliament also highlighted the importance of reaffirming the responsibility of the international community to support the fight against impunity, in particular through the assistance of the International Criminal Court (ICC) and the use of universal jurisdictions. The use of sexual and gender-based violence as a weapon of war remains an issue of grave concern for the European Parliament. The European Parliament called for the integration of a gender perspective throughout peace-keeping and peace-building efforts.

The resolution of 19 May 2021 on **human rights protection and the EU external migration policy** reaffirmed the need for migration-related actions to be taken in accordance with international humanitarian law principles.

On other issues such as **the human rights violations by private military and security companies, particularly the Wagner Group**, the Parliament expressed its concern in a resolution about the grave violations of human rights and international humanitarian law in relation to the activities of Private Military and Security Companies (PMSCs). It called for governments to ensure strict compliance with international humanitarian law and accountability in contracts with PMSCs. It stressed the fact that the EU and its Member States should only resort to private security companies in conflict zones to protect their premises. Moreover, in the resolution of 15 December 2021 on **new orientations for the EU's humanitarian action**, the European Parliament expressed deep concerns about the growing number of serious violations of international humanitarian law. Accordingly, it called for the establishment of an EU coordination mechanism, which could monitor violations and advocate the respect for human rights and international humanitarian law. Finally, as a matter of principle, the European Parliament called for the inclusion of international

humanitarian law violations as a criterion for EU restrictive measures, and for the prosecution and sanction of those who use starvation as a weapon of war.

The European Parliament adopted a series of resolutions on country situations during the reporting period, including:

- the resolution of 11 February 2021 on the **humanitarian and political situation in Yemen**. The resolution called on the parties to the conflict to comply with their obligations under international humanitarian law. It stated that the targeting of civilians and civilian objectives, and the use of starvation as a method of warfare, are clear violations of said obligations and are also exacerbating the country's instability;
- the resolution of 11 March 2021 on **the Syrian conflict, 10 years after the uprising**. Here, the resolution condemned the grave violations of human rights and international humanitarian law by the Assad Regime and other foreign actors such as Russia. A call for the support of UN-led accountability initiatives and investigations to uphold international humanitarian law was made on this occasion;
- the resolution of 20 May 2021 on **prisoners of war in the aftermath of the most recent conflict between Armenia and Azerbaijan**. The resolution called on the Azerbaijani authorities to provide the detained with all protection required under international humanitarian law and reminded the parties to the conflict of their obligations to respect international humanitarian law principles, which include the prohibition of torture. The resolution also called on both parties to conduct investigations and prosecute grave breaches of the Geneva Conventions.
- the resolution of 10 June 2021 on **the situation in Afghanistan**. The resolution expressed grave concerns about the fragility of the Afghan Government and the impact of violence against the civilian population caused by the Taliban. The European Parliament called for an investigation under UN auspices and urged the establishment of a commission of inquiry into violations of international humanitarian law;
- the resolution of 7 October 2021 on **the humanitarian situation in Tigray**. The resolution strongly condemned the killing of civilians, refugees, and humanitarian and medical workers. It reminded all parties to respect humanitarian law principles and to ensure the protection of people in the afflicted areas. It called for the accountability of those responsible of crimes committed during the conflict.
- the resolution of 25 November 2021 on **the human rights situation in Cameroon**. The resolution condemned the human rights and international law violations perpetrated by the parties to the armed conflict. It called on the authorities to ensure transparent

investigations and stressed the importance of the fight against impunity.

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

POSITIONS IN INTERNATIONAL BODIES

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

A key illustration of this is the work done in **New York**. The EU Delegation actively engaged in negotiations on many resolutions of the UN General Assembly (UNGA), in the plenary, the Third Committee and the UN Economic and Social Council (ECOSOC). In the UNGA, the EU Delegation delivers the EU position and coordinates many of the positions of EU Member States. As in past years, the EU ensured that the position of the EU is consistently reflected in negotiations of UN documents.

- The EU Delegation in New York deals by default with all general humanitarian resolutions proposed for adoption by the UNGA Plenary each December under the agenda item "Effective coordination of humanitarian assistance efforts". This always includes the three main annual humanitarian resolutions ("Omnibus", "Safety and Security" and "Natural disasters") and, on an ad hoc basis, additional resolutions (e.g. "White Helmets" in 2021).
- In addition, the EU Delegation facilitates one of the key annual humanitarian resolutions on behalf of the EU and its Member States: the resolution on Safety and Security of Humanitarian Personnel and Protection of UN Personnel. In 2021, the EU was able to include language on improving the monitoring of attacks against humanitarian personnel and retain previously agreed protective language.
- The EU Delegation also covers other resolutions proposed for adoption in specific committees of the General Assembly which are considered predominantly humanitarian. UNGA76 included three resolutions of the Third Committee: the annual UNHCR Omnibus resolution (negotiated in Geneva), the bi-annual resolution "Protection of and assistance to internally displaced persons" (facilitated by Norway) and the resolution on "Assistance to refugees, returnees and displaced persons in Africa"; one resolution adopted by the Second Committee: the resolution on Disaster Risk Reduction; and one resolution adopted by the Fourth Committee: the resolution on Mine Action.
- Finally, the annual humanitarian resolution of the ECOSOC, adopted at the Humanitarian Affairs Segment (HAS) of ECOSOC in June, is also covered.

- The humanitarian resolutions have reached a high level of maturity over the years. Most of the elements enabling principled humanitarian assistance are well-reflected in the texts. The UNGA76 humanitarian cycle brought forward a good outcome overall, with new elements strengthening IHL language included in most of the texts, in line with EU priorities.

- In addition, one of the main priorities of the EU in the review of the UN Global CT Strategy (GCTS) was to strengthen humanitarian language and to ensure that existing language was not diluted, upon the insistence of some countries. In the end, the GCTS language on the humanitarian aspect of counter-terrorism was slightly strengthened compared to the previous review. At the adoption of the GCTS in June 2021, the EU statement reflected the need to protect the humanitarian space while countering terrorism.

During the 76th session of the UN General Assembly and in other UN Fora, the EU Delegation delivered many statements which referred to IHL. These statements were in the First, Third, Fourth and Sixth Committee and the plenary. Examples include:

- At the annual humanitarian debate in the UNGA in December, the EU Delegation traditionally delivers a statement on behalf of the EU and its Member States which always includes strong language on IHL. The same is true at the ECOSOC plenary in June, on the occasion of the adoption of the ECOSOC HAS resolution.
- In the First Committee, EU statements on specific thematic areas, such as conventional weapons, reiterated the EU's and its Member States' commitment to respect and fully comply with IHL, including through the full implementation of the EU Guidelines on the promotion of compliance with IHL. In addition, at the working group on ICT, the EU confirmed that a framework for responsible state behaviour in cyberspace could only be grounded in existing international law, including the UN Charter in its entirety, IHL and international human rights law (IHRL).
- In the Third Committee, the EU statement at the general debate mentioned concerns about violations of IHL in Myanmar/Burma and humanitarian access issues in Ethiopia, the DPRK (Democratic People's Republic of North Korea), and Syria. In addition a number of statements during the interactive dialogues, for instance with the UNHCR High Commissioner, reiterated EU humanitarian priorities.
- In the Fourth Committee, the EU general statement included suggestions to promote mine action as a means to facilitate humanitarian assistance.
- In the Sixth Committee, the EU statement under the agenda item on international terrorism reiterated the efforts of the EU to prevent counter-terrorism

measures from having unintended negative impacts on humanitarian action.

- In January, the EU shared its commitment to the rules-based international system, including the need for accountability, in its statement during the UN Secretary-General's briefing on his priorities for 2021. In the GA plenary, the EU statement on the Secretary-General's report on Our Common Agenda confirmed its support for efforts to strengthen prevention and peace-building efforts.
- At a GA meeting on the situation of the temporarily occupied territories of Ukraine, the EU statement insisted that perpetrators of IHL violations be brought to justice.
- At a high-level panel on human rights in Syria, the EU again called for accountability for IHL violations.
- The EU joined a démarche on the humanitarian situation in Ethiopia, which was largely about IHL issues, including unlawful detentions of UN staff and humanitarian access.

The EU Delegation participated in open debates and discussions of the UNSC, on issues such as countering terrorism, ensuring food security and protecting education in conflict situations:

- In its statements at the UN, the EU constantly stresses the need to ensure respect for IHL when counter-terrorism (CT) measures are implemented. In the UNSC debate on CT in January 2021, the EU statement urged the international community to avoid the potential negative impact of counter-terrorism measures on humanitarian activities, in full compliance with IHL. The EU highlighted similar points during the joint special meeting of the Counter-Terrorism Committee and the 1267 Committee on combatting the financing of terrorism.
- During briefings on geographic contexts, including briefings on the situation in the Central African Republic and Syria, the EU emphasised the need to respect IHL and fight impunity.
- In the open debate on Conflict and Food Security in March, the EU called on all parties to conflicts to respect IHL and to prohibit the use of starvation of civilians as a method of warfare.
- In the open debate on the Protection of Objects Indispensable to the Survival of the Civilian Population in April, the EU took another opportunity to call for all parties to armed conflict to protect civilians and civilian objects. In this context, the EU stressed the importance of using only IHL-compliant means and methods of warfare.
- The open debate on the Protection of Civilians in Armed Conflict in May was a highlight of the EU Delegation's work on IHL. The EU statement stressed that full compliance with IHL was essential for protecting civilians.

- At the UNSC Arria-formula meeting on CT and COVID-19 in June 2021, the EU statement reiterated the position of the EU and its Member States that the response to the pandemic, and the use of exceptional restrictions, must be in compliance with IHL and international human rights law.
- In June, the EU denounced deliberate attacks against civilians and urged actors to consider the impacts of CT measures on humanitarian actors at the Arria-formula meeting on Overcoming Challenges in Situations of Armed Conflict and CT Operations.
- At the Arria-formula meeting on the Protection of Education in Conflict in December, the EU highlighted the need to safeguard access to learning and to address violence against children.
- The EU assisted EU Member States in the UNSC to ensure that the resolution establishing sanctions on Afghanistan includes a humanitarian exemption. This general exemption for humanitarian activities is now reflected in UNSC Resolution 2615(2021).

In addition, the EU Delegation systematically plays an active part in or organises a number of additional ad hoc meetings related to humanitarian affairs that regularly take place in New York and often prioritise IHL.

- In the spring of 2021, the EU Delegation together with France, Germany, Mexico, Niger, Norway and Switzerland held a four-part Discussion Series on the safety and security of humanitarian and medical personnel.

The Discussion Series (DS) was a successful collaboration between states, including current Security Council members, the UN, the EU, humanitarian actors and academia. Over a period of four months and in the context of four thematic discussions, hundreds of professionals and more than 50 States participated in the process, which became one of the key humanitarian initiatives in New York. The Discussion Series reinforced the prominent role of the EU on the humanitarian file, promoting the UNGA Resolution on the safety and security of humanitarian workers and the protection of UN personnel. The framework of the Discussion Series enabled open, interactive and inclusive discussions. It looked for practical solutions outside the politicised discussion within the UN bodies. It has proven to be an excellent opportunity to address sensitive issues in an objective and practical manner.

The Discussion Series was also meant to contribute to existing initiatives, and mainly to the development of key elements of the "Call for Action to strengthen respect for international humanitarian law and principled humanitarian action" initiative launched by Germany and France and endorsed by all the co-hosts of the Discussion Series. The Outcome Document

is a good result of the process, as it was welcomed by all actors consulted and represents a solid set of recommendations. As such, it is in keeping with the stated objective, namely the need to be specific and action-oriented. There is a commitment by the co-hosts to continue working on the implementation of the recommendations. As an immediate follow-up, the Outcome Document was transmitted, at the request of the co-hosts, to the office of the UN Secretary-General, to be forwarded to all UN member states.

- A series of **high-level humanitarian side events** are held in the margins of the opening of each UN General Assembly, during the so-called 'Ministerial Week' in September, with the EU typically organising at least one major event. In September 2021, the EU held, together with France and Germany, the UNGA 76 high-level side event on "IHL: Enhancing Monitoring, Improving Compliance", featuring the Commissioner for Humanitarian Aid and Crisis Management and other high-level speakers. The event explored best practices in monitoring violations of IHL and identified gaps in data collection and analysis of violations.

The EU and Belgium also co-hosted a Ministerial-Level Side Event on Child Protection to discuss the combined impact of armed conflict and the COVID-19 pandemic on children. Co-chaired by Niger and Save the Children, the event, with over 200 participants, featured compelling testimonies from two South Sudanese children and a young refugee from the Democratic Republic of Congo (DRC). Representatives of the UNHCR, ICRC, UNICEF, OCHA, SRSF CAAC, Save the Children and a local NGO participated.

The EU, Sweden and Switzerland joined forces in the organisation of a Ministerial-Level Side event: "Yemen: Responding to the crises within the world's largest humanitarian crisis". With the participation of representatives of the WFP, UNICEF, the OCHA, the ICRC and the Danish Refugee Council, speakers emphasised the urgent need for a political solution and for greater peace-building efforts. The event resulted in new pledges totalling \$606 million USD.

In addition, the EU co-sponsored the high-level event on "Localizing gender-based violence prevention and response in the context of forced displacement in humanitarian crises" and participated in a number of high-level side events promoting respect for humanitarian principles and international humanitarian law.

- Each year the Humanitarian Affairs Segment (HAS) of ECOSOC (which alternates between New York and Geneva) brings together the humanitarian community, at the level of senior officials across numerous events over three days, to discuss the latest policy and technical developments. In 2021 the HAS was chaired by Switzerland in hybrid format in Geneva and focused on "Strengthening humanitarian assistance to face the

challenges of 2021 and beyond: mobilising respect for international humanitarian law, inclusion, gender, innovation and partnerships." The EU and several of its Member States co-sponsored and took active part in the High-Level Panels, Gender Equality Event and side events. This included senior-level participation of the EU (DG ECHO and EUDEL GVA) in three side events and in the High-Level Panel on Climate Change.

- The annual Protection of Civilians (PoC) week took place from 24 – 28 May 2021 in New York, under the theme "Partnering for Protection". The EU statement in the general debate focused on full compliance with IHL and the universalisation of IHL instruments, as well as the impacts of climate change and the need to protect education and medical facilities. The EU co-sponsored a side event during PoC week on "Protection of Healthcare", along with the ICRC, NorCross, Norway, Canada, Egypt, France, Japan, New Zealand, Niger, Spain, St. Vincent and the Grenadines, Sweden, Switzerland, Tunisia, Uruguay and the OCHA. The event aimed to reinvigorate implementation of UNSC Resolution 2286 (2016), five years after it was adopted.
- During the annual humanitarian week in New York in December 2021, the EU participated in several high-level side events to promote respect for IHL. The early part of the week was marked by the annual CERF High Level Pledging Event, where \$467 million USD was pledged by 39 donors. The latter part featured the Global Humanitarian Policy Forum, where key themes this year included negotiations of humanitarian access, COVID-19 and fragility, the humanitarian climate crisis and the humanitarian implications of cyber threats.
- The EU, together with Morocco, held the second and third meetings of the Group of Friends of the Platform on Disaster Displacement (PDD). The Platform for Disaster Displacement works towards better protection for people displaced across borders in the context of disasters and climate change, including in conflict zones. The Group of Friends, co-chaired by the EU and Morocco, will continue to convene biannually in Geneva and biannually in New York.
- The Humanitarian Liaison Working Group (HLWG), a platform of key states and humanitarian actors that offers the space for discussions on and analysis of many contemporary humanitarian challenges, meets in New York on a monthly basis to discuss the current main crises and humanitarian issues. In 2021, the EU Delegation actively participated, and Switzerland led meetings as the President for the year.
- The EU Delegation also held other events and briefings for the EU Member States and other donors. In 2021, a central event was the annual workshop for EU humanitarian counsellors, where the ICRC, the OCHA and other agencies participated and where IHL featured prominently. The EU Delegation has also held briefings

addressing the situations in the Central African Republic, Myanmar, and Palestine. A briefing on Afghanistan in December featured participation from Save the Children.

The EU was again very active in **Geneva**, the multilateral hub for humanitarian affairs, which covers issues related to IHL compliance.

- From July 2020 to July 2021, the EU co-chaired the Good Humanitarian Donorship (GHD) initiative together with Switzerland. The GHD is an informal donor forum of 42 members committed to providing effective and accountable humanitarian assistance. The overarching theme of the co-chairmanship is to look at the donors' role in promoting principled and effective humanitarian action and preserving the humanitarian space in an increasingly challenging context. Within this framework, one of the priorities is to focus on the donors' role in ensuring respect for IHL, including by looking at specific actions that donors can take in order to promote IHL and to react effectively to IHL violations. As in the previous year, IHL-related exchanges in this context focused on access impediments to humanitarian aid in the context of the COVID-19 pandemic.
- At the 2021's edition of the Humanitarian Network and Partnerships Week (HNPW), which took place from 19 April to 7 May, the EU co-organised a session on "Humanitarian Civil-Military Coordination (CMCoord) Support to Access: The Case of Three Operating Environments (Mali, Central African Republic (CAR) and Ethiopia)" in which the EU stressed the importance of effective CMCoord coordination in context. This was against the background of the EU's adapting its role from resilience building to complex emergencies in such countries as Ethiopia. In this framework, the EU highlighted the importance of addressing IHL and access restraints more broadly.
- On 1, 3 and 7 June 2021, the EU participated in the "State Expert Meeting on Voluntary reports on national implementation of international humanitarian law: sharing practical experiences and perspectives", co-organised by the Swiss national committee for the implementation of IHL and the ICRC. The event allowed 220 experts from 85 countries to share lessons learned and discuss issues that may arise at different stages in the drafting process of a voluntary report on the domestic implementation of IHL.
- From 23 to 25 June 2021, the Humanitarian Affairs Segment (HAS) of the UN Economic and Social Council (ECOSOC) chaired by Switzerland, took place in hybrid format in Geneva. It focused on "Strengthening humanitarian assistance to face the challenges of 2021 and beyond: mobilising respect for international humanitarian law, inclusion, gender, innovation and partnerships." In the general debate, the EU and its Member States reiterated in a joint statement their strong commitment to put the promotion of and

adherence to IHL, including the protection of medical workers and healthcare facilities, as well as the need for specific steps to operationalise UNSC Resolution 2286, which lies at the heart of external action. The adopted resolution includes positive advances regarding language on IHL, including a new operational paragraph (OP 56) calling for guaranteed safe and unhindered humanitarian access and the protection of humanitarian and medical personnel.

- The EU is a standing invitee in the Informal Group of Friends of UNSC Resolution 2286 co-chaired by Canada and Switzerland. To help facilitate a more systematic and coordinated approach to the protection of healthcare in armed conflict, the EU also continued to promote discussions with like-minded states and relevant stakeholders sharing the same ambitions and principles to promote and ensure respect for IHL, help to identify gaps, make connections and create synergies with other initiatives in line with the objectives of UNSC Resolution 2286 on the Protection of Medical Personnel and Facilities in Conflict Situations.
- Furthermore, the EU promoted respect for IHL during interactive dialogues such as the International Syria Support Group (ISSG) meetings (a.k.a. Task Forces), held by the Office of the UN Special Envoy for Syria and taking place in Geneva on a monthly basis.
- In **the Human Rights Council (HRC)**, the EU intervened on numerous occasions to condemn violations and abuses of human rights and humanitarian law. The EU supported the inclusion of strong references to IHL in key HRC initiatives such as the resolutions on Libya, Syria, Myanmar, and Burundi. These country-specific resolutions envisage the setting-up of various special procedures (commission of inquiry, fact-finding mission, investigation) to respond to situations of serious violations of IHL and international human rights law (IHRL) through investigating, collecting evidence, monitoring and reporting to the HRC. The EU also strongly supported the renewal of the mandate of the Group of Eminent Experts (originally established in 2017 and reinforced in 2020 to document alleged violations of IHL). However, this was rejected in a vote in the HRC in October 2021.

In December 2021, the EU called for a Special Session of the HRC on Ethiopia and presented a resolution establishing an international commission of human rights experts to conduct a thorough and impartial investigation into allegations of violations and abuses of international human rights law and violations of international humanitarian law and international refugee law in Ethiopia committed since 3 November 2020 by all parties to the conflict (A/HRC/RES/S-33/1, adopted on 17/12/2021).

Several other country-specific resolutions supported by the EU, such as those concerning the Democratic

Republic of Congo, the Central African Republic, South Sudan and Mali, contain references to IHL and, when relevant, condemn violations and abuses of human rights and violations of IHL, call upon relevant parties to respect their obligations under IHRL and IHL and stress that those responsible for such violations and abuses should be held accountable.

Moreover, in the context of the HRC, the EU regularly promotes respect for IHL and accountability for violations during interactive dialogues with such special procedures and the UN High Commissioner for Human Rights, including, for example, in relation to the situation in the occupied Palestinian territory, and Ukraine/Crimea. In the work of the Working Group on Private and Military Security Companies, the EU advocated focusing its scope more clearly on mercenaries and mercenary-related activities, as defined under IHL.

- Issues related to IHL compliance also featured prominently in the EU statements in the Geneva-based disarmament fora, for instance in the Convention on Certain Conventional Weapons (CCW), its corresponding Protocols, the Group of Governmental Experts on Lethal Autonomous Weapons Systems, the Anti-Personnel Mine Ban Convention, the Convention on Cluster Munitions as well as the Arms Trade Treaty. The EU statements to the UN General Assembly First Committee, which are coordinated in Geneva, also provided an opportunity to highlight IHL issues.

The EU Delegation in Geneva also held a series of IHL-related events and briefings for the EU Member States and other donors. IHL experts from EU Member States meet twice per semester to exchange on recent IHL developments, coordinate ahead of upcoming IHL events and meetings and to provide briefings on their respective work in the field of IHL. Guest speakers from other missions and partner organisations (ICRC, Geneva Call, etc.) are invited on a regular basis to share their views, present the latest developments on IHL-related activities and discuss ways for joint advocacy to ensure better respect for IHL.

On 24 February, the EU Delegation organised, together with the Swiss Mission, a follow-up meeting to the “State Expert Meeting on IHL: Performing Medical Activities in Armed Conflicts” held in November 2020. The purpose of the meeting was to have an exchange among a small group of like-minded states to collect feedback on the IHL event, discuss possible lessons learned and explore the potential interest in having a continued dialogue on IHL issues in Geneva at expert level in order to avoid politicisation of such exchanges in the future.

On 16 April, the EU Delegation co-hosted, together with the US mission and ICVA, a roundtable discussion between donors and the NGO members of the IASC Emergency Directors Group (EDG) on the humanitarian situation in Tigray. The exchange allowed key donors active in the response to engage directly with the NGO members of the

EDG on access issues and violations of IHL committed by parties to the conflict.

On 18 May, the EU hosted a donor briefing on Tigray OCHA’s Office in Ethiopia, providing an update on the humanitarian response, as well as on access constraints and the need for enhanced IHL advocacy, resources and delivery to help meet the most urgent humanitarian needs.

On 7 June, the EU Delegation hosted a public diplomacy high-level webinar, co-organised with EU Delegation in Yemen, on famine and IHL/IHRL violations in Yemen. This put the spotlight on the worsening humanitarian situation, on the growing threat of famine, and on how the large-scale IHL and IHRL violations are aggravating factors undermining efforts for peace in Yemen.

On 14 September, the EU Delegation, together with Geneva Call, hosted a private roundtable event on enhancing respect for IHL and the protection of civilians in Myanmar with a select group of invited states. This built on Geneva Call’s ongoing work and experiences in the country.

On 15 November, the EU Delegation co-hosted, together with the Slovenian Presidency, an event on “Water and International Humanitarian Law”. Speakers from the ICRC, Geneva Call, academia and EU headquarters focused on the obligation to protect water and water resources during an armed conflict from the perspective of IHL. This identified practical ways to strengthen respect for and implement IHL provisions in relation to the protection of access to water.

On 18 December, together with France and ICVA, the EU Delegation hosted a hybrid roundtable with Geneva-based humanitarian organisations on the European Humanitarian Forum. NGO representatives expressed appreciation for the joint leadership of the EU and France on the Forum and reiterated strong support for its priorities, including IHL and humanitarian space.

The EU also actively participated in a number of IHL-related conferences, events and meetings, including humanitarian briefings held by UNOCHA, the ICRC/IFRC and INGOs on increasingly challenging contexts where IHL breaches are on the rise.

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

III. POLITICAL DIALOGUES AND DEMARCHES

The EU maintains an extensive network of dialogues and contacts with third countries and other international actors and frequently uses these to promote respect for IHL and adherence to international legal instruments. While the content, or existence, of such dialogues may, by their nature, be confidential, the following examples demonstrate the range and scope of the EU's activities in this area. Where necessary, its representatives may also deliver démarches in relation to particular situations.

EXTRACT FROM THE GUIDELINES

Paragraph 16(a):

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

Paragraph 16(c):

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

During its Human Rights, political and humanitarian dialogues, the EU has continued to encourage the ratification and implementation of the main instruments of international humanitarian law.

A comprehensive Political Dialogue under Article 8 of the Cotonou Agreement took place in July 2021 between the EU and the Government of **Mozambique**. The discussion focused on the promotion and protection of human rights, good governance and peace. The need for an integrated approach encompassing humanitarian, peace building, security and development actions was highlighted in the context of the armed violence in Cabo Delgado, including the need for compliance with international human rights standards and international humanitarian law (e.g. need to improve access of humanitarian workers and equipment to the province).

Two exchanges of views on the situation in Mozambique/Cabo Delgado took place in the European Parliament AFET and DEVE Committees (on 17 March and on 1 September 2021).

On 31 March 2021, the ACP-EU Joint Parliamentary Assembly (JPA) condemned in a public statement the brutal attacks in Palma in Mozambique and voiced serious concerns over the further escalation of violence in Cabo Delgado. The JPA sent a fact-finding mission to Maputo and Pemba, Mozambique, from 31 October to 3 November 2021. The mission's objective was to focus on the security and humanitarian situation in the country, in particular in the conflict zone in the northern province of Cabo Delgado. The mission provided an opportunity to convey some messages on humanitarian needs and access issues.

In March 2021, the Council endorsed the integrated approach – encompassing humanitarian, peace building, security and development actions – to support the Mozambican authorities' efforts to address the challenges of a dire security and humanitarian situation in Cabo Delgado with a strong commitment to the respect for human rights and the international humanitarian law.

On 15 October 2021, the Council adopted a decision launching the EU military Training Mission in Mozambique

(EUTM Mozambique). Its mandate is to train the Mozambican armed forces, including in international humanitarian law.

In **Bosnia and Herzegovina (BiH), Kosovo⁹, Montenegro and Serbia**, the EU Delegation/EU Offices/ EUSR regularly monitor the implementation of remedies for IHL breaches committed in the context of the 1990s conflicts in the former Yugoslavia. This includes monitoring the processing of war crimes, including conflict-related sexual violence cases (cooperation with the International Residual Mechanism for Criminal Tribunals), the situation of refugees and displaced persons (support for the Sarajevo Process accompanied by the Regional Housing Programme) and missing persons (cooperation with the International Commission on Missing Persons and the ICRC).

There are contacts at ministerial/agency technical level in the framework of the Subcommittee on Justice, Freedom and Security under the EU-Bosnia and Herzegovina Stabilisation and Association (SA) Agreement, as well as at political level under the SA Committee and SA Council.

Political dialogue and direct contact with counterparts, in particular with the BiH Prosecutor's Office, is complementary to the abovementioned initiatives. They aim to address highly sensitive political issues in relation to the rule of law. The EU Delegation and EUSR have observer status in the Supervisory Body for Overseeing the Implementation of the National War Crimes Strategy (NWCS). A revised NWCS was adopted in September 2020, but the establishment of a new Supervisory Body remains pending due to political reasons. The revised strategy provides an enhanced framework for BiH to process the backlog of war crimes cases more efficiently. However, it is unlikely that the 2023 deadline foreseen by the Strategy for completion of cases will be met.

The European Commission's annual report on BiH also continues to cover IHL issues through the thorough assessments in chapters 23 (obligations related to Council of Europe conventions, and cooperation with the International Residual Mechanism for Criminal Tribunals) and 31 (conflict prevention and non-proliferation, ICC).

Bosnia and Herzegovina has thus far not registered judgments from the International Criminal Tribunal for the Former Yugoslavia (ICTY)/ International Residual Mechanism for Criminal Tribunals (IRMCT) into domestic criminal records. The IRMCT has urgently called upon Bosnia and Herzegovina to swiftly register these convictions, as the matter is fully within its competence. The EU has encouraged Bosnia and Herzegovina to remove obstacles and fully address the matter. IHL-related issues were explicitly mentioned in the 2019 recommendation for Bosnia and Herzegovina of the UN Universal Periodical

Review (UPR), as it was already the case in its 2014 recommendation. In its policy dialogue, the EU continuously raises the issue of the bilateral immunity agreement between Bosnia and Herzegovina and the United States on the jurisdiction of the International Criminal Court (ICC), which goes contrary to the EU common positions on the integrity of the Rome Statute.

In relation to the conflict in **Nagorno-Karabakh**, active engagement at the highest level through the President of the Council and the High Representative/Vice-President (HR/VP), as well as through the EU delegations and the EU Special Representative for the South Caucasus, contributed to progress on the release of detainees, the hand-over of minefield maps to prevent further loss of life, as well as the resumption of direct dialogue between the Armenian and Azerbaijan authorities.

In particular, the Foreign Ministers of Austria, Lithuania and Romania visited the South Caucasus region on 25 and 27 June on behalf of the HR/VP to convey EU's readiness to support sustainable and comprehensive conflict settlement efforts and broader cooperation between the South Caucasus countries. The President of the European Council, Charles Michel, also visited the region to meet Prime Minister Pashinyan (17 July), President Aliyev (18 July) and President Zourabichvili (19 July). During the visit, he started a dialogue with leaders of Armenia and Azerbaijan to encourage them to deescalate tensions and engage on the path to peace. To this end, President Michel organised, on 14 December 2021, a trilateral meeting with President Aliyev and Prime Minister Pashinyan in the margins of the Eastern Partnership Summit. As one tangible follow-up to this trilateral meeting, Azerbaijan released ten Armenian detainees on 19 December. The EU facilitated their transfer to Yerevan. This was an important confidence-building step.

In addition, the EUSR has actively participated in identifying actions that may help reconciliation and normalisation of the relations between the two countries and facilitate solutions for relevant humanitarian issues.

Human rights, including IHL in the context of the conflict, were also discussed at the regular human rights dialogue that took place on 25 March 2021 with **Armenian** authorities and on 26 April (with the participation of the EU Special Representative for Human rights) with **Azerbaijani** authorities.

During the yearly EU-Georgia Human Rights Dialogue, the EU discussed the human rights and humanitarian situation of the conflict-affected population in **Georgia**, notably those in the breakaway regions and adjacent areas.

The EU Special Representative for the South Caucasus and the crisis in Georgia continued to advocate compliance with international humanitarian law, particularly in the

⁹ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence

context of the Geneva International Discussions (GID), and in bilateral contacts. Within the GID, the EU, together with the Organization for Security and Co-operation in Europe (OSCE) and the UN, established a sub-Working Group on the crucial topic of freedom of movement, as well as a technical group on COVID-related issues, which involved health experts from the concerned-locations and the World Health Organization (WHO). In addition, the EU redoubled efforts to promote understanding and support for human security. To this end, the EU held two successive information sessions in the margins of the GID, involving an international expert on human security. This initiative was part of renewed attempts by the EU to ensure that the debates in and around the GID focused more on the fears, needs and rights of conflict-affected people. At the same time, the EU continued to support, as part of its non-recognition and engagement policy, a wide range of humanitarian and human rights-related actions in the Georgian breakaway region of Abkhazia. It urged the relevant parties to lift obstacles to humanitarian access to South Ossetia. Furthermore, the EU continued to call for more active engagement in the search for missing persons.

The humanitarian situation in eastern **Ukraine**, was regularly discussed during the EU's bilateral political dialogue with Ukraine at various levels, most notably in the context of the annual Human Rights Dialogue in which IHL was one of the topics of discussion.

In the OSCE context, the deteriorating humanitarian situation in Ukraine was addressed regularly, and the EU Delegation had regular exchanges with the Delegations of Georgia and Moldova on the same topic for their countries.

With regard to **Russia**, the EU Delegation in Moscow raised concerns about the situation in the illegally-annexed Crimean peninsula with Russian interlocutors on a regular basis, as well as about the conditions of detention of prisoners (Alexei Navalny), including under the circumstances of pandemic.

The **EU Special Representative for the Horn of Africa** addressed the humanitarian situation in **Ethiopia** (on the vitality of access to humanitarian assistance) during her visit to the UAE on 22-24 November 2021.

In relation to the **Central African Republic**, a message of concern over the attacks on the civilian population, humanitarian workers and United Nations peacekeepers, and all forms of serious violations of human rights and IHL committed by any of the parties, was conveyed during a joint videoconference between President Touadéra and senior officials from the UN, the African Union, the ECCAS (Economic Community of Central African States) and the EU on 2 March 2021. This was reiterated in a second videoconference in November 2021. During the visit of CAR President Faustin Touadéra to Brussels in December 2021, the commitment of the European Union towards a strong, principled, support in response to humanitarian needs in CAR was reaffirmed.

Humanitarian issues were regularly raised during regular contacts between the EU and its Member States and the United Nations, the African Union, ECCAS, the United States and other countries in the region (Rwanda, Angola).

In relation to **Mozambique**, mainly owing to the challenging humanitarian and security situation in Cabo Delgado, international humanitarian law and human rights have been on top of the agenda in Mozambique. The EU Delegation as well as the European Commission have participated in these discussions. International humanitarian law, including humanitarian access to the affected population and Civil-Military coordination issues, have also been discussed in the various coordination fora – the DCP (Development Cooperation Platform) and ICCT (International Community COVID-19 Taskforce) – in Mozambique, including with the representatives of the Mozambican Government.

During the political dialogue with **Cameroon**, held in January and June 2021, the EU raised the need for the parties of the North-West and South-West separatist regions to fully respect IHL.

Respect for IHL was also raised during the political dialogue with **Burundi** in April and June 2021. The EU Delegation, together with the Belgian Embassy and UPRIInfo, helped the Minister for Human Rights to organise a two-day workshop on the evaluation and implementation of recommendations received by Burundi during the third cycle of the Universal Periodic Review (UPR). This designated key actions that the Congolese authorities should take to improve the country's human rights record. Such actions include those that relate to the protection of civilians in situations of conflict in accordance with IHL.

The **EU Special Representative for the South Caucasus and the crisis in Georgia** continued to advocate compliance with international humanitarian law, particularly in the context of the Geneva International Discussions, and in bilateral contacts. The EU supported a wide range of humanitarian actions in the Georgian breakaway region of **Abkhazia**. These included the need to address the COVID pandemic, in partnership with international and local NGOs, and through EU project activities implemented by the World Health Organization (WHO) and the UN which are aimed at promoting adherence to IHL. The EU called for unimpeded humanitarian access to **South Ossetia**, as provided for by the 6-point agreement of 12 August 2008. In addition, the EU supported the conduct of assessments of the human rights situation in the breakaway regions by international human rights monitors. The EUSR engaged actively with the authorities in Armenia and Azerbaijan on issues such as the release of detainees, the sharing of minefield maps to prevent further loss of life, and the fate of missing persons. In addition, the EUSR actively participated in identifying actions that may help reconciliation and normalisation of the relations between the two countries and facilitate solutions for relevant humanitarian issues.

In 2021, the **EU Special Representative for Human Rights** (EUSR) contributed to the Union's commitment to promote compliance with international humanitarian law and provide support for international criminal justice. He pursued high-level engagement on armed conflicts and humanitarian contexts, such as Afghanistan, Armenia, Azerbaijan, Ethiopia, the Sahel region, Ukraine and Yemen. He mainstreamed international humanitarian law throughout his activities, including through Human Rights Dialogues with third countries. The EUSR was vocal in promoting accountability, supporting international criminal justice institutions, in particular the International Criminal Court, and met with the President, the Prosecutor and the Registrar of the ICC during his visit to The Hague in September.

After the Taliban's take-over, the crisis in **Afghanistan** became a priority for the EUSR. In this regard, he liaised closely with the Chair of the Afghan Independent Human Rights Commission. He met with human rights organisations and the UN to discuss the humanitarian situation, alleged violations of IHL, as well as the situation for human rights defenders. In these meetings, he stressed the EU's efforts in the country to promote IHL and support human rights, women's and girls' rights, in particular. The EUSR took part in a high-level event which focused on Afghan women and girls, their rights and access to education and which was held at the launch of the 76th session of the UN General Assembly in September 2021.

The situation in **Ethiopia**, particularly with regard to human rights and IHL violations in Tigray, remained a priority. The EUSR met with the Ethiopian Minister of Finance and the Minister for Women, Children and Youth, and the head of the Ethiopian Human Rights Commission to reiterate the EU's concerns, including concerns about the worrying reports of sexual violence. He stressed the need for humanitarian access and the need to monitor and document all alleged violations. In addition he met with the UN High Commissioner for Human Rights, together with the EUSR for the Horn of Africa to enhance the EU-OHCHR cooperation on the situation and discuss the monitoring work done within the UN Human Rights Council. The situation in the country also featured on the agenda of the first Strategic Dialogue between the EU and the OHCHR co-chaired by the EUSR in October 2021.

The EUSR continued to draw attention to the obligation of complying with IHL, to protect civilians, to ensure humanitarian access as well as accountability, notably in the **Sahel region**, an area regarding which he worked closely with the dedicated EUSR for the region. Furthermore, the EUSR maintained close cooperation with the OHCHR as regards the implementation of the Human Rights and IHL Compliance Framework of the G5 Sahel Forces.

In the neighbourhood, the EUSR developed regular contacts with high-level officials of **Ukraine** to address the human rights and IHL violations in the country, with a specific focus on two regions illegally annexed by Russia and affected by the conflict, Donetsk and Luhansk Oblasts and Crimea. His

participation in the 7th EU-Ukraine Human Rights Dialogue in May 2021 served as an opportunity to further discuss IHL-related issues. The necessity of bringing accountability and respect for IHL, including the protection of civilians, civilian infrastructure and medical care, particularly in the context of the health crisis, were further reiterated during the EUSR mission to Ukraine in October.

Engaging on **Yemen**, the EUSR met with the UN Special Envoy for Yemen as well as with the Yemeni Minister for Legal Affairs and Human Rights, and raised the EU's strong concerns about the lack of humanitarian access, the recruitment and use of children in the armed conflict and the lack of accountability for violations committed.

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

In addition, the EU promotes compliance with international humanitarian law through its conflict analysis in countries at risk of violent conflict or currently undergoing a conflict. Both the EU structural country assessments (SCA) and conflict analysis screenings (CAS) review a country's adherence to international legal frameworks as an indicator of the future risk of violent conflict. Where relevant, SCA and CAS can indeed emphasise the lack of or insufficient implementation of IHL and provide recommendations for improved compliance.

In 2021 the **Committee on Development of the European Parliament (DEVE)** worked on an own-initiative report adopted by the European Parliament in its resolution of 15 December 2021 on new orientations for the EU's humanitarian action. In this resolution, the European Parliament expressed alarm at the growing number of serious violations of international humanitarian law and human rights law. It called for the establishment of an EU coordination mechanism in order to develop a coherent EU approach towards international humanitarian law, monitor violations and advocate compliance with international humanitarian law. In this context, it highlighted the importance of using the relevant political, development aid, trade and economic levers in the EU's external action. It also called on the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, and the Member States to closely monitor international humanitarian law violations and to include international humanitarian law violations as a criterion for listing individuals or entities in the relevant EU regimes of restrictive measures in line with the EU guidelines on promoting compliance with international humanitarian law. The resolution also called on the Commission and the Member States to strengthen international humanitarian law and to vigorously prosecute and sanction those who use starvation as a weapon of war

in order to counteract the widespread violations of the right to food during conflicts, the recurring use of starvation as a method of warfare, and the denial of humanitarian access.

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

On 23 March 2021, a side event to the fifth Syria Brussels Conference was held by DROI on the Syrian uprising, 10 years on. The focus was on the priority of the fight against impunity for victims of grave human rights violation in Syria. The use of universal jurisdiction outside Syria was acknowledged as a temporary, but necessary, solution in order to address ongoing impunity. One key issue that was highlighted was the call for the immediate release of detainees and the return of those missing.

In April 2021, an exchange of views on accountability of State officials for international crimes was organised jointly with the LIBE Committee. Speakers recognised that fight against immunity is a key focus of international law, since immunity shields individuals from personal responsibility and paves the way towards impunity.

On 12 July 2021, an exchange of views was held on the fight against impunity in Yemen, in association with the Delegation for relations with the Arab Peninsula. Deep concern was expressed about the war crimes committed in Yemen. Speakers insisted on the urgent need for an international justice mechanism to be established that would benefit from the documentation gathered by local civil society organisations.

On 6 September of 2021, an exchange of views was held jointly with the Delegation for Palestine on the latest developments in the field of human rights in Palestine¹⁰. This exchange highlighted the escalation on human rights violations in the country.

On the same day, an exchange of views on women's and girl's rights in Afghanistan took place. This raised the concerns about the impact of Taliban rule on human rights and called for the implementation of a strong monitoring mechanism.

On 28 October 2021, a workshop was held on "Envisioning International Justice: what role for the ICC". The workshop focused on the scope for the EU to exercise a leadership role in generating political support for the Court and enhance cooperation in the context of a hostile environment. As an example, speakers highlighted the importance the Court could play in the investigation of the Uyghur genocide in China.

¹⁰ This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue

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.

The EU cooperates with other international actors in promoting respect for IHL. This can include promoting a coordinated approach by the EU and its Member States in supporting diplomatic initiatives, concluding cooperation arrangements with international organisations, and providing financial assistance.

SUPPORT FOR INTERNATIONAL DIPLOMATIC INITIATIVES TO STRENGTHEN SUPPORT FOR IHL

On the multilateral level, the EUSR for Human Rights contributed to the successful launch of the **Strategic Dialogue with the OHCHR** whose first edition was co-chaired in October 2021 with High Commissioner Bachelet. It was agreed that a number of specific objectives should be pursued throughout 2022. The EUSR continued addressing UN fora, notably the UN Human Rights Council and the UN General Assembly. At the regional level, he expanded his cooperation with the African Union, Council of Europe, and the Organization for Security and Co-operation in Europe (OSCE). His meetings with high-level multilateral partners focused on diverse issues: the targeting of Palestinian NGOs by Israel, the situation in Belarus, Russia and elsewhere in the EU neighbourhood, the humanitarian situation in Afghanistan, Ethiopia and Yemen, amongst others.

The importance of IHL, international criminal justice and accountability was stressed, for example, through the EUSR's speech at the Conference on Impunity and Transitional Justice in the Democratic Republic of **Congo**, organised by Fight Impunity, held in June.

The **17th EU-African Union Human Rights Dialogue** took place on 9 November 2021. Tangible outcomes of the Dialogue included the organisation of a new edition of the expert seminar on transitional justice in 2022, as well as country-specific actions in support of transitional justice.

Highlighting the EU's commitment to promote women's rights and gender equality, the EUSR for Human Rights attended the 65th session of the **UN Commission on the Status of Women** held in March 2021. At the session, he took part in a high-level event on violence against girls in armed conflict and on the role of international criminal justice. The EUSR stressed, for instance, the fact that girls were disproportionately affected by conflict and provided some examples of EU action in that regard. He also stressed the need to step up efforts to hold perpetrators accountable.

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

The EU supports two of its partners, Caritas Española and RCN Justice & Démocratie, in their efforts to strengthen the capacities of local authorities, civil society and human rights groups to prevent, monitor and handle cases of torture in Kinshasa and South Kivu.

In the DRC, the EU seeks to bolster military and civil justice through financial support to *Avocats sans Frontières*, RCN Justice & Démocratie and Trial International. The new techniques and know-how of these CSOs in terms of how to carry out impartial investigations and train lawyers to conduct more just trials has benefitted victims. This has specifically led to several judgments in the Kivus in which several warlords were sentenced to life imprisonment.

With respect to the situation in **Syria**, in February 2021 the EU held a senior official level meeting on humanitarian access. Discussions about IHL played a key role in this meeting. IHL was also discussed during the Brussels V Conference on the future of Syria and the region, held by the EU and the UN in March 2021. A large number of government representatives, the UN, the Red Cross and Red Crescent Movement, NGOs, local actors and civil society organisations participated in the event.

With regard to **Ethiopia**, IHL has been at the forefront of the EU's advocacy. The EU has repeatedly called on warring parties to protect civilians and to allow safe and unhindered access to all areas affected by the war. The EU has also called for independent investigations on reported war crimes possibly committed by all parties to the conflict. The EU has also condemned the use of starvation as a method of warfare in besieged Tigray.

Throughout 2021, the EU coordinated, with humanitarian NGO partners, on access and IHL violations in **Nigeria** and actively followed up on IHL violation trends in **Central Sahel**. It also ensured that respect for and compliance with IHL feature prominently in several other initiatives involving the EU. These include: development of the new EU Integrated Strategy for the Sahel and of its implementation plan; EU-ICRC round table on the Sahel; EU-US specific dialogue on Human Rights and International Humanitarian Law in the Sahel; follow-up on the 2020 Ministerial Round Table on Central Sahel co-organised with Denmark, Germany and the UN. These efforts offer a sound basis for further engagement in advocacy and coordination. The aim is to safeguard principled humanitarian actions in an area increasingly affected by conflicts and where needs for emergency assistance are on the rise.

The EU continued to play a leading role in coordination and advocacy as regards the respect of IHL and principled delivery of aid in **Yemen**. A Third Humanitarian Senior Officials Meeting (1 June 2021) and a side event during UNGA ministerial week (22 September 2021) were co-hosted by the EU and Sweden. This, convened a humanitarian community and defined a constructive engagement seeking to increase humanitarian access and respect for humanitarian principles. The SOM III was particularly vocal in calling the parties to abide by their IHL

obligations. Such obligations include lifting the blockade, allowing unrestricted imports of fuel and basic commodities and ceasing weaponising the economy. Participants agreed on pursuing and intensifying high-level advocacy, including in-country missions. During the UNGA event, the Commissioner for Crisis Management called on the parties to the conflict to respect IHL. They highlighted the need, for instance, to facilitate unhindered humanitarian access and to allow the unhindered flow of sufficient food and basic commodities into the country.

The EU has also strengthened the policy framework in support of IHL. On 10 March 2021, the **Commission issued a Communication on the EU's humanitarian action: new challenges, same principles**. These were followed by Council conclusions approved on its basis¹¹. One of the main objectives of the Communication is to support putting compliance with IHL at the heart of the EU's external action. The aim is to protect civilian populations, support principled humanitarian action and protect humanitarian and health care workers. In line with the call in the Communication, the Commission has taken steps to establish an **EU-level coordination mechanism on IHL**. The aim is to ensure a better monitoring of IHL violations in the world, facilitate the coordination of relevant EU actors and support stronger EU humanitarian diplomacy. The EU also held, together with France and Germany, an UNGA 76 high-level side event on "IHL: Enhancing Monitoring, Improving Compliance". The event explored best practices in monitoring violations of IHL and identified gaps in data collection and analysis of violations. On 26 November 2021, the EU also held **a webinar on IHL** which followed up on the Communication and helped prepare for the European Humanitarian Forum in January 2022. The webinar brought together a wide range of stakeholders to discuss the questions of improving the monitoring of IHL violations, countering sexual and gender-based violence in armed conflicts, and safeguarding humanitarian space.

The EU continued to **strengthen the IHL compliance framework when providing support to the security sector**, including in the context of CSDP missions and operations. In this regard, it also continued to ensure compliance with human rights law and international humanitarian law. Such IHL conditionality requirements are part of the new European Peace Facility and an integral part of NDICI-Global Europe. During its first year of implementation, the European Peace Facility (EPF) acted fully in line with the promotion of respect for and compliance with IHL. All EPF-proposed Assistance Measures in 2021 included robust IHL safeguarding measures for beneficiaries.

Humanitarian Civil Military Coordination (CMCoord) promotes humanitarian access and protection outcomes. Ensuring de-escalation of conflicts and the protection

11 <https://data.consilium.europa.eu/doc/document/ST-8966-2021-INIT/en/pdf>

of humanitarian aid workers, by promoting IHL, requires a holistic approach. The EU continuously invested in the sensitisation of security, defence and military actors as regards humanitarian needs and humanitarian principles. These include IHL and the protection of civilians. The aim is to enhance their overall understanding of the humanitarian sphere and increase the respect for and compliance with IHL.

The EU also supported **advocacy on IHL linked to specific thematics**, such as internal displacement, access to water, conflict and hunger, the protection of humanitarian and medical workers, the protection of children associated with armed conflicts, or the protection of education from attacks.

The EU was among the nine donors which supported the work of the **UN Secretary-General High-Level Panel on Internal Displacement**, which submitted its report and recommendations in September 2021. As part of its second main recommendation ('Political will is key and should be catalysed'), the High-Level Panel stated that 'National and, where relevant, international legal authorities should investigate and prosecute those who forcibly displace populations or commit other violations of International Human Rights, Humanitarian and Criminal Law that contribute to displacement.'

Access to safe drinking water, security of water facilities and of WASH personnel in armed conflicts

was one of the policy priorities of the work programme of the Slovenian Presidency of the Council of the European Union in the second semester 2021. As indicated above, on 15 November an event on "Water and International Humanitarian Law" was held in Geneva, co-hosted by the EU Delegation and the Slovenian Presidency. Council conclusions were also approved on this issue¹². With regard to Syria, the Commission advocated respect for IHL in the context of the 2021 drought. In Libya it supported the ICRC's work to secure commitments from authorities and armed actors to respect and preserve access to water and other critical infrastructure in the case of conflicts. The EU participated in the event on "Water and International Humanitarian Law", held by the Slovenian Mission in Geneva and the EU Delegation (November 2021). Speakers from the ICRC, Geneva Call, academia, and EU institutions attended the event.

Given the strong correlation between **conflict and hunger**, and in some locations evidence of the use of starving as a weapon of war, in 2021 the EU actively engaged in advocacy vis-à-vis parties in conflict. In this context, it stressed the need for respect for IHL and humanitarian action. The EU has, for instance, raised on numerous occasions the relevance of the UNSC Resolution 2714 in

relation to the Tigray crisis in Ethiopia. In this context it has engaged with like-minded donors to promote the adoption of a presidential statement under the resolution.

The EU continued to be active on **supporting the protection of humanitarian and medical workers in armed conflicts**. In this context, besides the 2021 Discussion Series on the safety of Humanitarian and Medical Personnel indicated above (Chapter II, section 'Positions international bodies'), the EU also actively advocated respect for Security Council Resolution 2286 on healthcare in armed conflict. It did so, for instance, through EU co-sponsorship of a high-level side event at the Protection of Civilians Week on the occasion of the 5th anniversary of the Resolution. The EU also continued to support, among others, the ICRC's Health Care in Danger Initiative in the DRC and in Mozambique. The EU's humanitarian aid budget also provided financial support to policy initiatives supporting the protection of humanitarian workers and of healthcare in armed conflicts.

In 2021, the European Union continued to step up its humanitarian engagement on the **protection of children associated with armed conflict (CAAC)**. The communication on a new EU Strategy on the Rights of the Child (RoC) 2021-2024, adopted by the Commission on 24 March 2021¹³, includes commitments to intensify work to prevent and end grave violations against children affected by armed conflict. These include advocacy activities promoting compliance with International Humanitarian Law (IHL). In addition, the European Union commits to promoting the endorsement of the Safe Schools Declaration. In this context, the Commission co-hosted two side events at the ECOSOC Humanitarian Affairs Segment in June 2021 on sexual violence against children associated with armed conflict and child protection respectively. Furthermore, the European Union co-organised with Belgium a high-level side event on children and armed conflict during the United Nations General Assembly Ministerial Week in September 2021, in which Commissioner for Crisis Management Janez Lenarčič made the opening remarks.

The Commission continued to put **safety and continuity of education for every child**, as well as those living in situations of armed conflicts, at the core of its efforts in education in emergencies. It also advocated compliance with IHL. The Commission actively contributed to the design of the Safe Schools Implementation Network, an initiative led by Norway to support and strengthen specific action in operationalising the commitments of the Safe Schools Declaration. On the occasion of the International Day to Protect Education from Attack, Commissioner for Crisis Management Janez Lenarčič issued a statement

12 <https://data.consilium.europa.eu/doc/document/ST-14108-2021-INIT/en/pdf>

13 COM(2021) 142 final

highlighting the importance of protection of education and compliance with IHL (09/09/2021): *“Attacks on education constitute also violations of International Humanitarian Law, the set of rules seeking to limit the effects of armed conflict. Such violations are multiplying, while their perpetrators are seldom called to account. In this view, we are putting compliance with International Humanitarian Law consistently at the heart of the EU’s external action.”* In October 2021, he also participated in the Fourth International Conference on the Safe Schools Declaration hosted by Nigeria. The EU supported the adoption of UN Resolution on Protection of Education from Attack 2601 (2021)¹⁴.

COOPERATION WITH AND SUPPORT FOR THE ICRC AND OTHER HUMANITARIAN ACTORS

The **ICRC** is one of the EU’s most trusted humanitarian partners, often one of the few international actors present in the field. It plays a key part in delivering humanitarian response and in upholding respect for IHL and humanitarian principles. In 2021, the ICRC received EUR 129 million in funding from the EU’s humanitarian aid budget. The Commission and the ICRC also continued to have fruitful dialogues on policy developments in the field of humanitarian action, and particularly with regard to IHL. The EU also supported the ICRC’s Health Care in Danger initiative. This initiative seeks to create a world in which weapon bearers, political authorities and populations in countries affected by conflict and other emergencies respect the inviolability of healthcare at all times.

The annual Strategic Dialogue between the EU and the ICRC took place in September 2021. It focused on the sharing of information and identification of areas of common engagement. This entails, in particular, efforts to address fragile and conflict situations through better-integrated humanitarian-development-peace approaches.

In **Kosovo**, the EU Office and the EU Special Representative for Kosovo have been working in close cooperation with the ICRC on various issues. They regularly participate in meetings held by the ICRC-chaired Working Group

on Missing Persons, in which Kosovo and Serbia have been cooperating since 2004. The EU Office/ EU Special Representative support the process, including through projects and political engagement on the ground. In January 2021, Kosovo signed with the ICRC a Memorandum of Understanding, facilitated by the EU, promoting increased exchanges in the framework of the ICRC-led Working Group.

In **Burundi**, the EU continued to support the OCHA in line with the UN agency’s mandate, which includes advocacy work as well as IHL compliance. In the context of the Burundi refugee and return situation, the EU continued its regional approach supporting the UNHCR. In doing so, it placed a focus on protection activities, encouraged longer-term solutions, worked with development actors to promote self-reliance of refugees as well as a sustainable reintegration of refugee returnees in local communities. In addition, advocacy efforts for the voluntary refugee repatriation continued throughout 2021.

In 2021, through its support given to the UN Mine Action Service (UNMAS) in **Iraq**, the EU continued to contribute to the stabilisation and protection of civilians impacted by explosive ordnance. It also promoted other humanitarian action, including support for the return of displaced communities, socio-economic development and welfare in the areas liberated from Da’esh and welfare in the Basra Governorate. The EU Delegation continued to co-chair the Coalition against Da’esh Explosive Hazards Management Sub-Working Group. Through its partnership with UNITAD, the EU contributed to provide support for the digitalisation of evidence of crimes committed by Da’esh.

FINANCIAL ASSISTANCE

In 2021, the EU continued to financially support initiatives on IHL in many countries through a number of external financing instruments, some of which explicitly provide for the financing of activities to promote compliance with IHL.

In June 2021, the regulation establishing the new **NDICI (Neighbourhood, Development and International Cooperation) - Global Europe** instrument entered into force¹⁵. The new global instrument merged the majority of

14 2. *Strongly condemns the continued attacks as well as threats of attacks that are in contravention of international humanitarian law against schools and civilians connected with schools, including children and teachers, and urges all parties to armed conflict to immediately cease such attacks and threats of attacks and to refrain from actions that impede access to education. The EU also made a statement at the UNSC Arria formula meeting on Protection of education in conflict (06/12/2021) “The EU strongly advocates for intensifying and coordinating joint efforts to ensure compliance with the International Humanitarian Law, protect education, safeguard access to safe learning and address all types of violence against children and education personnel.”*

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

previous EU external financing instruments, including the EIDHR¹⁶ and the Instrument contributing to Stability and Peace (IcSP)¹⁷. Humanitarian aid remains separate and will continue to be funded on the basis of Regulation (EC) No 1257/96 concerning humanitarian aid¹⁸.

The regulation provides specific provisions concerning support for and compliance with IHL. This applies, in particular, in contexts of conflicts and fragility and in relation to the fight against terrorism and organised crime, cyber security and the fight against cybercrime, and capacity-building of military actors in support of development and security for development, as well as when addressing migration and forced displacement-related situations.

At the same time, the regulation provides a strengthened framework for integrated, humanitarian-development-peace nexus approaches that pay particular attention to human rights and ensure conflict-sensitive approaches. In this regard, the regulation foresees that when drawing up the programming documents for partner countries and regions in situations of crisis, post-crisis or fragility and vulnerability, a conflict analysis needs to be conducted. Conflict analysis screenings will be performed for 60 relevant countries, 16 reports had already been completed in 2021.

Council Regulation (EC) No 1257/96 concerning humanitarian aid provides, in Article 1, that "[t]he Community's humanitarian aid shall comprise assistance, relief and protection operations [...]". The preamble of the Regulation states: "*civilian operations to protect the victims of fighting or of comparable exceptional circumstances are governed by international humanitarian law and should accordingly be considered part of humanitarian action*". Based on the Regulation, the EU's humanitarian aid budget also supported a number of IHL-related actions.

i. Humanitarian aid funding

In **Ukraine**, the EU's humanitarian aid budget contributed to programmes promoting compliance with IHL. The focus was on advocating the implementation of the Safe School Declaration (SSD) and raising awareness on the rights and responsibilities of health workers and patients. The EU supported UNICEF on the operationalisation of the SSD commitments, as well as the continuation of education and a protective learning environment in the Non-Government Controlled Area - NGCA. The EU also supported Save the Children (Sweden) for providing support to the Government of Ukraine in the operationalisation of SSD commitments and in delivering training to Ukrainian Army Forces on Child Protection, Education in Emergencies, SSD and the

Guidelines to Protect Schools and Universities from Military Use During Armed Conflict. The EU also supported the ICRC's Healthcare in Danger Campaign in Ukraine. The aim is to raise awareness of the rights and responsibilities of health workers and patients so that people in need of curative health care, their accompanying relatives and health care personnel are respected and protected during hostilities or other situations of violence.

In **Syria**, the EU's humanitarian aid budget provided the Norwegian Refugee Council (NRC), together with Geneva Call, with EUR 800 000 for a project entitled 'Providing Lifesaving Assistance and Protection to Vulnerable Conflict and Displacement-affected Persons in Syria'. The project aims to strengthen the compliance of actions of armed non-state actors (ANSAs) with international humanitarian norms and contribute to the protection of civilians from the effects of the armed conflict across Syria. This included the production and dissemination of advocacy material, with a focus on sexual violence, gender discrimination and displacement in situations of armed conflict, the delivery of training, awareness-raising sessions and communication campaigns targeting members of ANSAs, local CSOs and key community stakeholders, young people and internal security forces. In addition, support was given to monitoring trends in the obstruction of the provision of humanitarian assistance. This was used to inform advocacy messaging to duty-bearers and external audiences in the EU. The EU's humanitarian aid budget continues to support a UNICEF project focusing on implementing the monitoring and reporting mechanism for grave child rights violations in Syria. This includes advocacy vis-à-vis duty-bearers, perpetrators and influencers, as well as developing advocacy products to safeguard the rights and ensure the effective protection of children in Syria. The EU also continued to support the ICRC's protection of the civilian population activities in Syria. The aim is to ensure that the civilian population is not subjected to violations of IHL and other negative effects caused by the presence of weapons bearers and that it has access to essential services.

In **Jordan**, the EU worked on the promotion of IHL through its partnership with the ICRC. In so doing it made a contribution of EUR 0.9 million. The aim is to increase acceptance of IHL and support for humanitarian principles and IHL amongst influential stakeholders at country and regional levels, through sustained advocacy. The EU also worked with Jordan to tackle one particular legacy of conflict through an ongoing project to control and fight against the trafficking of firearms.

¹⁶ Regulation (EU) No 235/2014 of the European Parliament and of 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)

¹⁷ 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).

¹⁸ Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid, OJ L 163, 27.1996, p. 1–6.

In **Palestine**, the EU worked with several humanitarian partners to provide humanitarian assistance and promote respect for IHL in Gaza, the West Bank and East Jerusalem. Humanitarian partners include NGOs, international organisations, UN agencies, and the Red Cross and Red Crescent Movement. In total, the EU provided over EUR 34 million in humanitarian funding for Palestine in 2021. Of that amount, EUR 17.94 million was allocated to partner organisations with an IHL advocacy component. The main actors recording IHL violations and promoting respect for IHL are the ICRC, NRC, WHO, UNICEF, ACF, UNRWA and the OCHA. The EU's humanitarian partners provide policy analyses, recommendations and updates related to recurrent violations of IHL and IHRL in Palestine. Evidence-based advocacy and communication products have also been prepared to inform the European Parliament, the EU Member States and the general public about the humanitarian implications of non-compliance of the occupying power with its obligations under IHL and more specifically Geneva Convention IV.

The EU's humanitarian aid budget supported the ICRC in Lebanon to carry out its mandate of strengthening the protection of the civilian population (PCP) in **Lebanon**. This includes dialogue on provisions of international law protecting refugees and violence-affected populations.

In **Ethiopia**, the EU's humanitarian aid budget supported the ICRC to promote IHL with weapon bearers, in particular in relation to protecting the movement of civilians and the humanitarian medical mission, as well as the prevention of sexual violence. An agreement with the OCHA also included IHL advocacy elements.

In **Mozambique**, the EU's humanitarian aid budget supported the ICRC and OCHA with regard to projects that contained elements linked to IHL.

The EU's humanitarian aid also budget supported the UNHCR for a **regional agreement in Burundi, DRC, Rwanda and Tanzania**, which contained IHL advocacy elements.

The EU's humanitarian aid budget supported the ICRC's protection of the civilian population in the **Democratic Republic of the Congo (DRC)**. The action aimed, for instance, to ensure that: the civilian population benefits from a decrease in violation of IHL and other relevant applicable norms with respect to civilian protection in armed conflict and other situations of violence; essential services are better respected by weapon bearers; and communities are able to reduce their exposure to specific risks, such as sexual violence and child recruitment. IHL-related elements were also included in agreements with the Cordaid/NGO forum, MdM and OCHA.

In **South Sudan**, the EU's humanitarian budget supported the ICRC. The aim is to ensure that: civilians benefit from a reduction in violations of IHL; are increasingly spared from other negative effects caused by the behaviour of weapon bearers; have better access to essential goods and services;

and are able to reduce their exposure to risks associated with the presence and actions of weapon bearers.

In **Somalia**, the EU's humanitarian budget supported the ICRC. The aim is to ensure that civilians benefit from: increased respect for their rights and have access to essential services and to impartial, independent humanitarian aid; improved behaviour and compliance with IHL, IHRL and other fundamental rules protecting people in situations of conflict and armed violence; a reduction in violations and other negative effects of the presence of armed actors.

In conflict-affected **West and Central African countries (Burkina Faso, Cameroon, Chad, Central African Republic, Nigeria, Niger, Mali)**, the EU supported the OCHA's lead role in the civil-military coordination (CMCoord) platform. The OCHA ensures access monitoring, analysis as well as reporting. It uses its pivotal role to conduct public and private advocacy, raising awareness to uphold IHL, facilitate humanitarian access and promote the protection of civilians by all actors. In the same regions, the EU also supported key humanitarian partners to ensure protection of civilians, the safeguarding of medical services and of humanitarian actions. It pursued a multidisciplinary approach when possible. The EU also supported the ICRC in Cameroon, Nigeria, Burkina Faso, Mali, Mauritania, Niger, Chad and Central African Republic. For example, in the **Central African Republic**, the aim of ICRC's action was to ensure that civilians benefit from better respect of their rights and, as a result, are better protected from the effects of violence. Another objective is to safeguard access to essential services and to humanitarian aid. Improved behaviour and compliance with IHL, IHRL and/or humanitarian principles lead to a reduction in violations and other negative effects of the presence of armed actors. The development of national legislation helps persuade authorities, weapon bearers and influential actors to show increased acceptance and support for IHL and relevant aspects of IHRL.

The EU supported the ICRC in 2021 as part of the IHL advocacy strategy for **Libya** aiming at building local capacity on IHL and protection issues, and ultimately to contribute to increasing safe access to and the protection of civilians. The focus was to engage with government officials, weapons bearers, community and religious leaders and with NGOs' representatives, and to encourage them to take measures to improve the application of IHL. The ICRC in Libya has also been working towards achieving commitments by authorities and armed actors to respect and preserve access to water and other critical infrastructure in the case of conflicts. The specific objective of the ICRC's engagement in Libya is to ensure that IHL and other fundamental rules protecting people in armed conflict are respected and incorporated into the decision-making processes of authorities and weapons bearers. The ICRC, through its dialogue and training sessions, intends to achieve that all influential stakeholders demonstrate increased acceptance of and support for IHL and relevant IHRL.

In **Iraq**, as the armed conflict with ISIL has drawn to an end, there is significant reduction of IHL-focused activities. However, a significant number of people continue to be directly affected by the conflict, including almost 1.2 million people living in displacement. The EU's humanitarian aid budget has transitioned to funding projects that support International Human Rights Law. In 2021, this included allocating a further EUR 1.4 million to the UNHCR to provide essential legal services related to civil documentation. The EU's humanitarian aid budget continued assisting legacy caseloads of persons detained during the recent conflict in Iraq. The ICRC was provided with EUR 3 million, which includes support for prevention of and support to persons deprived of their liberty. EU humanitarian funding is provided to smaller legal actions that support engagement on missing persons and persons whose names incorrectly appear on security databases. EU humanitarian funding also supports vulnerable caseloads who face significant barriers to assistance and services due to perceived affiliation to ISIL.

In **Yemen**, the EU maintained its support to UN agencies, the ICRC and INGOs working on protection, promotion of women's and children's rights and reduction of gender-based violence in Yemen. In this regard, EU partners provided protection services to affected populations and continued protection monitoring. The EU supported UNICEF to document incidents of grave child rights violations for the Monitoring and Reporting Mechanism and to feed into the UN Secretary-General's annual report on Children and Armed Conflict. Other EU partners in the protection sector during 2021 were the ICRC, IOM, UNFPA and INGOs. The ICRC acted as a key EU key partner in Yemen in promoting IHL compliance among the parties to the conflict, and in advocating the protection of health facilities, schools and food infrastructures from indiscriminate attacks. This work includes the Health Care in Danger Campaign that the EU supported through providing EUR 7 million for the ICRC 2021 intervention in Yemen.

In **Afghanistan**, the EU continued to advocate respect for IHL through its key partners, such as the ICRC, IRC, NRC. The ICRC's activities included promoting respect for and implementation of IHL and assisting the population affected by the armed conflict in Afghanistan.

In **Colombia**, the proliferation of multiple armed non-state actors has increased the complexity of the security context. It has also exacerbated humanitarian needs and displacements while, at the same time, hampering humanitarian access. This is the situation especially on the Pacific Coast, the North-West and border areas. In Colombia the EU's humanitarian aid funding supported the ICRC on IHL dissemination and advocacy, as well as other partners. The aim is to mitigate and respond to the risks and needs of the populations affected by armed conflicts and the pervasive presence of armed non-state actors. Work concentrated on promoting respect for IHL among all weapons bearers; discussing, with military and police forces, IHL and other norms applicable to the protection of civilians

during the conduct of hostilities and law enforcement operations; urging the relevant state institutions to implement policies to protect and assist civilians – including migrants, missing people's families, and victims/survivors of sexual violence and mines/explosive remnants of war (ERW) – and to ensure their access to essential services, such as health and education; explaining to violence-affected people how they can mitigate risks to their safety, and informing them about the assistance available to them from the state, the Movement and others; strengthening the protection mechanisms of affected people, helping bolster their resilience to the effects of violence; gathering views and suggestions from violence-affected people.

As regards **Myanmar**, the EU's humanitarian strategy was grounded in the recognition that much of the humanitarian suffering in the country stems from: flagrant violations of international humanitarian and human rights laws (IHL, IHRL); institutionalised discrimination vis-à-vis minorities on the part of both the Myanmar Armed Forces and the multiple ethnic armed groups as well as the central and regional authorities. Hence, protection and pro-active advocacy were central to the EU's response. The strategy also recognised that, in addition to some of the world's longest running conflicts, Myanmar faces a series of new and emerging crises and conflicts. The EU's IHL activities aimed to improve effective protection of civilians and civilian objects, and to promote increased adherence to IHL by security forces, ethnic armed groups, and other weapons bearers. The aim is to reduce violence against civilians and improve the operational space and safety for all humanitarian actors. Humanitarian access and de-mining activities constituted the initial work in this plan. The EU supported the Norwegian Refugee Council in a project entitled "Community-based approach to improve access to quality education, protection and front-line emergency response and preparedness in Northeast and Southeast Myanmar". This included promoting the respect for and implementation of IHL and assisting the population affected by the armed conflict in Myanmar. The EU's humanitarian aid budget also supported the ICRC in relation to the promotion of compliance with IHL and IHRL.

Finally, in 2021 the EU's humanitarian aid budget also supported from its capacity-building implementation plan three IHL-related projects: Oxfam-Intermon as regards "Enhancing system-wide humanitarian advocacy for the effective protection of civilians in armed conflict"; NRC in relation to an action entitled "Safeguarding humanitarian space and compliance with IHL, with focus on counter-terrorism measures and bank derisking, engagement with non-state armed groups, and the protection of humanitarian workers from attacks" and IRC Germany in relation to an action entitled "Ending violence against healthcare in conflict".

ii. IcSP and NDICI-GE funding

In 2021, the EU launched the "**Global Europe Human Rights and Democracy programme for 2021 – 2027**".

In this context, the EU further increased its support for promoting and protecting human rights and fundamental freedoms, democracy, and the rule of law worldwide.

In December 2021, the EU adopted its thematic **Multi-Annual Indicative Programming (MIP) 2021-2027 for Human Rights and Democracy**. This follows the structure of the EU Action Plan on Human Rights and Democracy 2020-2024. It also identifies such priorities as the need to protect and empower individuals and to promote a global system for human rights and democracy. Under the thematic programme, the EU will provide support for ensuring fair and effective administration of justice and for closing the accountability gap. This includes support for transitional justice, multi-stakeholders, processes in post-conflict or post-authoritarian contexts for human rights violations and abuses. Where relevant, it includes support in relation to violations of international humanitarian law, including those against civilians and civilian infrastructures. Supplementary funding from the NDICI-Global Europe cushion will be assigned to fighting impunity, by building the knowledge base for accountability.

Through enhanced strategic partnership with key international, regional and national actors such as the **Office of the United Nations High Commissioner for Human Rights (OHCHR) and the International Criminal Court (ICC)**, the EU strives to help build a world free of violence and conflicts, and in which there is respect for international human rights law and international humanitarian law (IHL). The Inter American Human Rights System (the Court and the Commission) will also benefit from financial support through the thematic programme. These actions go hand in hand with actions envisaged under the thematic programme for Peace, Stability and Conflict Prevention, geographic programmes and the rapid response pillar of the NDICI-Global Europe.

The EU supported OHCHR in relation to a project in **Chad, Mauritania and Niger** on human rights and international humanitarian law compliance of internal security forces. In so doing it gave support to national human rights institutions and to civil society.

In 2021, the EU continued to promote human rights in **Libya** through the instrument for democracy and human rights. The EU provided capacity-building on gender (including workshops for women activists and women associations) through its bilateral and thematic support to Libya. In 2021, the EU adopted a new bilateral programme supporting governance in Libya. This includes plans to support transitional justice in Libya.

In **Israel and Palestine**, the EU works with a variety of actors, including local civil society organisations and

international organisations, to promote different aspects of international humanitarian law in the West Bank (including East Jerusalem) and the Gaza Strip. Projects through the instrument for democracy and human rights include the provision of legal aid to victims of violations of international humanitarian law.

In **Syria**, the EU supports the International Commission on Missing Persons (ICMP). The purpose of the Action is to lay the foundations of a future Syrian state that secures the rights of all surviving families to justice, truth and reparations.

The **Instrument contributing to Stability and Peace (IcSP)** and the Crisis Response component under the Rapid Response Pillar, as well as the component on conflict prevention, peacebuilding and crisis preparedness under the thematic pillar, of the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-GE) helps to prevent and respond to crises (NDICI-GE Regulation; Annexes III and IV). This comprises:

- "support for international criminal tribunals and ad hoc national tribunals, truth and reconciliation commissions, transitional justice and mechanisms for the legal settlement of human rights claims and the assertion and adjudication of property rights, established in accordance with international standards in the fields of human rights and the rule of law; support for measures to address, within the framework of Union cooperation policies and their objectives, the socio-economic impact on the civilian population of anti-personnel landmines, unexploded ordnance or explosive remnants of war. Activities financed under this Regulation may cover, inter alia, risk education, mine detection and clearance and, in conjunction therewith, stockpile destruction;
- support for measures to combat, within the framework of Union cooperation policies and their objectives, the illicit use of and access to firearms, small arms and light weapons;
- support for the rehabilitation and reintegration of the victims of armed conflict, including measures to address the specific needs of women and children;
- support stabilisation, safety of individuals and human security restoration measures, including mine action, de-mining and transitional justice in line with relevant multilateral agreements;"

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 specific projects funded under the IcSP and the NDICI-GE.

In 2021, the EU continued to support several initiatives for IHL in many countries through the Neighbourhood, Development and International Cooperation Instrument (NDICI) – ‘Global Europe’, under its thematic and rapid response pillars. A list of these actions on Crisis Response, Conflict Prevention and Peace Building are found in Annex.

In **Afghanistan**, through IcSP, the EU, in partnership with Geneva Call, supported the promotion of and respect for humanitarian principles, in particular access to healthcare and access to medical facilities in relation to the COVID-19 pandemic. Armed non-state actors have received training on the principles of IHL. The aim is to allow civilian populations to gain easier access to medical facilities and assistance. After the Taliban take-over of Kabul in August, training sessions on IHL, protection of healthcare and COVID-19 mitigation have been continued.

In **Colombia**, interventions under IcSP/NDICI-GE emphasised the EU’s firm commitment to the peace process in its comprehensive and integrated approach to the rights of victims to truth, justice, reparations and guarantees of non-repetition. Since 2015, the Service for Foreign Policy Instruments has made available a total of € 46.6 million in support of the peace process. This covers negotiations in Havana, the approval of the final accords and the implementation of the peace agreement. In 2021, the EU support focused on the post-conflict phase, notably on the implementation of chapter V of the Peace Agreement regarding the victims of the conflict and the institutions created by the peace accords (Special Investigation Unit, Unit for the Search of Missing Persons, Truth Commission and the Special Jurisdiction for Peace).

In **Ukraine**, the EU continued to support IHL-related initiatives on the ground. Initiatives focused on de-mining, accompanying livelihood support measures and the protection of civilians. Building on the work carried out under the previous projects, non-technical survey, mine risk education and clearance teams were deployed by two partners to high-priority areas in eastern Ukraine. The projects also provided high-level technical expertise to national stakeholders to support the implementation of the Law on Mine Action and associated amendments. They also contributed towards the development of national humanitarian mine action capacity. Additional support was provided to livelihood- and community-based initiatives, as well as to the protection for the most vulnerable. In the area of the protection of civilians, a project concluded in 2021

focused on strengthening the capacity of the government and Armed Forces Ukraine (AFU) to prevent and address civilian harm through the institutionalisation and implementation of higher civilian protection standards.

In **Nigeria**, the EU continued to work on the strengthening of the civilian protection policies and practices by the military. To do so, it focused on capacity-building of military and security forces as well as on the mobilisation of local communities and tailored advocacy engagement led by civil society. Security personnel have been trained on issues relating to the protection of civilians and civilian harm mitigation. In this regard, trainees reported improved understanding of the relevant issues. Interactive training of security forces in military education institutions led to the inclusion of such issues in the curricula used. Through self-protection workshops, communities have been directly involved. These communities are empowered to develop self-protection strategies. The aim of these is to enable communities to request and secure protection from security agencies.

In **Syria**, the EU continued to support the efforts of the International, Impartial and Independent Mechanism (IIIM), established by UNGA resolution 71/248 (2016) to assist in the investigation and prosecution of the most serious crimes under international law committed in Syria since March 2011. The project has supported the investigations and prosecutions in relevant jurisdictions. It has also supported the preparation of files and other materials used by national, regional and international courts and tribunals. This contributed, for instance, to the recent landmark judgment against Syrian Intelligence Officer, Anwar Raslan, at the Higher Regional Court in Koblenz. Raslan was found guilty of crimes against humanity.

iii. Pre-accession instrument (IPA II and IPA III) funding

Through its **pre-accession instrument**²⁰, the EU continued to promote its comprehensive reconciliation agenda. This included targeted programmes at regional and country level in the **Western Balkans**. At the regional level, the EU extended its long-standing support for the International Residual Mechanism for Criminal Tribunals. This work aimed to enhance the domestic prosecution of war crimes and increase public knowledge and understanding of the crimes committed during the conflicts in the former Yugoslavia. Work with the International Commission on Missing Persons focused on regional cooperation, domestic technical capacity in the identification of missing persons, and

20 OJ L 77/11 15.3.2014, Regulation (EU) 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) covering 2014 to 2020.

OJ L 330, 20.9.2021, Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing an Instrument for Pre-accession Assistance (IPA III) for the period 2021 to 2027.

empowerment of families of missing persons. The regional-level engagement and support was complemented by specific country assistance

Over the past 15 years in **Bosnia and Herzegovina**, the EU has provided over EUR 18 million to reduce the backlog in the processing of war crime cases, in line with the National War Crime Strategy. This includes enhancing the capacities of courts and prosecutors' offices to handle these cases. The EU provided EUR 3 million to the International Commission on Missing Persons (ICMP) for DNA-assisted identification and recovery of missing persons in 2020-2022.

In 2021, the EU continued to support Bosnia and Herzegovina (BiH) in locating and identifying missing persons through the International Commission on Missing Persons (ICMP). EU funding enables the ICMP to conduct a policy dialogue with the BiH authorities and families of the missing with the goal of building capacities in DNA testing. ICMP will also continue to assist BiH with forensic expertise. This covers, for instance, the recovery of mortal remains from mass and clandestine graves and support in conducting DNA-based identifications.

In **Serbia**, during 2021 the EU continued to provide financial support to a project implemented by the OSCE on war crimes trial monitoring, which included a training component. As an important aspect of international humanitarian law, training was provided on dealing with witnesses and victims in war crimes cases. Over the two-day online training event, six prosecutors and one psychologist from the War Crimes Prosecutor's Office (WCPO), and 23 investigators and witness protection staff (both part of the Ministry of Interior), learnt about establishing and maintaining effective communication in the context of prevention of re-traumatisation and secondary victimisation. The training included lectures, but a significant part was dedicated to interactive discussions, the exchange of experiences and practical exercises, which are essential for this sensitive area. The total EU contribution to the OSCE project was EUR 500,000.

Annex II B sets out at specific projects funded under IPA II and IPA III.

V. RESTRICTIVE MEASURES

EXTRACT FROM THE GUIDELINES

Paragraph 16(d):

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

Based on Chapter V of the TEU (Common Foreign and Security Policy), specifically Article 29 TEU and Article 215 TFEU, the EU continued to apply restrictive measures (sanctions) during the reporting period (2021). Restrictive measures are a tool of the EU's Common Foreign and Security Policy (CFSP). Their purpose is to: defend EU values and interests; preserve peace and support democracy; safeguard the rule of law; safeguard human rights and the principles of international law; strengthen international security. At the same time, the EU ensures that international humanitarian law is fully reflected in EU sanctions policy. This comprises the inclusion of humanitarian exceptions in EU regimes of restrictive measures.

Over the reporting period, the EU maintained 43 regimes of restrictive measures. They consisted of 27 EU autonomous regimes, in addition to 7 UN-based and nine 'mixed' regimes (UN basis + EU autonomous sanctions). Whereas one EU autonomous regime was repealed in March 2021²¹, a new autonomous regime, concerning Lebanon, was adopted in July 2021²². The UN-based regime concerning Mali was supplemented by EU autonomous measures²³.

A number of these regimes are specifically aimed at preventing or responding to violations of international humanitarian law (IHL). One means of achieving this is through targeting individuals engaged in such violations. More generally, by including measures such as arms embargoes in situations of armed conflict, restrictive measures seek to prevent or end the conditions in which violations of IHL can occur. They also seek to limit the effects

of armed conflict and restrict the means and methods of warfare²⁴. Examples of these restrictive measures are set out in Annex II Section C (1).

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

EU restrictive measures are thus targeted. They are aimed at those responsible for the policies or actions the EU wishes to influence. This targeted approach is intended to reduce as much as possible any adverse effects or unintended consequences for persons that are not targeted by these measures. Accordingly, EU restrictive measures are not meant to stand in the way of the delivery of humanitarian aid since, in accordance with the Treaties, the Union has to comply with humanitarian principles stemming from IHL in its humanitarian operations. Article 214, paragraph 2, of the TFEU provides that 'humanitarian aid operations shall be conducted in compliance with the principles of international law and with the principles of impartiality, neutrality and non-discrimination'. To that end, EU legal instruments laying down financial restrictions, restrictions on admission (travel bans) and other restrictive measures may provide for humanitarian exceptions. This includes provisions such as allowing the supply of certain restricted equipment and the carrying out of certain activities for the purpose of delivering humanitarian assistance. This also includes the granting of authorisations for the release of frozen funds or of economic resources, or for making funds

21 The restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt were repealed (Council Decision (CFSP) 2021/449, OJ L 87, 15.3.2021, p. 46).

22 Council Decision (CFSP) 2021/1277, OJ L 277 I, 2.8.2021, p. 16.

23 Council Decision (CFSP) 2021/2208, OJ L 446, 14.12.2021, p. 44.

24 *18 arms embargoes are in place, out of which 9 are imposed autonomously by the EU.*

or economic resources available to a person subjected to restrictive measures, if the funds or economic resources are necessary for the purpose of providing humanitarian aid.

In its conclusions of 20 May 2021 on the Communication from the Commission to the European Parliament and the Council on the EU's humanitarian action, the Council reaffirmed its commitment to avoid and, where unavoidable, mitigate to as far as possible any potential unintended negative impacts of EU restrictive measures on principled humanitarian action. The Council stressed the importance of fully adhering to humanitarian principles and IHL in EU sanctions policy. This entails, for instance, the consistent inclusion of humanitarian exceptions in EU restrictive measures regimes where relevant. In addition, this ensures that an effective framework is in place for the use of such exceptions by humanitarian organisations. Annex II, section C (2) provides examples of such humanitarian exceptions in EU restrictive measures (including those transposed from UNSCR). In its conclusions of May 2021, the Council acknowledged the need to provide further practical support and/or guidance to humanitarian organisations with regard to their rights and responsibilities in the different EU sanctions regimes and to continue promoting dialogue between all parties involved in humanitarian assistance. The Council also stated that it will consider, whenever appropriate, including serious IHL violations as grounds for listing in EU sanctions regimes, while ensuring that any potential negative impacts on humanitarian activities are avoided.

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

- the European Commission adopted a Guidance Note for humanitarian operators on the provision of humanitarian aid to fight the COVID-19 pandemic in certain environments subject to EU restrictive measures addressing counter-terrorism sanctions²⁵. This note provides for pragmatic answers to the implementation of sanctions, and takes into account their scope and possibilities to apply exceptions for humanitarian purposes. It includes the following guidance as regards

involving designated persons subjected to restrictive measures, in the distribution of humanitarian aid:

“Humanitarian Operators must always seek solutions that do not breach EU sanctions. Accordingly, Humanitarian Operators are required to channel humanitarian aid via persons that are not designated under the EU Counter-Terrorism Sanctions Regulations and other applicable sanctions. In accordance with International Humanitarian Law, where no other options are available, the provision of humanitarian aid should not be prevented by EU sanctions. This is however unlikely given that the EU Counter-Terrorism Sanctions Regulations target designated persons and entities responsible for acts of national and international terrorism.”

- The EU adopted restrictive measures in response to the military coup of 1 February 2021 in Myanmar and in response to subsequent serious violations of human rights and of international humanitarian law by adopting sanctions targeting key military and political figures involved in such acts²⁶. In March, April and June 2021, several persons were designated pursuant to the Myanmar restrictive measures regime²⁷. In June 2021, the reasons for listing one military leader included an explicit reference to human rights abuses and violations of international humanitarian law committed in the armed conflict with the Kachin Independence Army under that person's command in 2013. In March 2021, the Council also added a derogation for humanitarian purposes in the Myanmar/Burma sanctions framework.
- In June 2021, the Council added a humanitarian derogation (allowing for flights and payments of related charges) to the Belarus restrictive measures regime, to make sure that the introduction of an overflight ban on Belarusian air carriers and the designation of Belarusian air-traffic controllers would not hamper flights needed for humanitarian activities²⁸. Derogations for humanitarian aid were also added to the restrictive measures regimes in view of the situation in Myanmar/Burma²⁹.
- In October 2021, involvement in planning, directing, sponsoring or commission of acts in the Central African Republic that violate international humanitarian

25 *Guidance note on the provision of humanitarian aid to fight the COVID-19 pandemic in certain environments subject to EU restrictive measures, C(2021) 5944 final of 13.08.2021. The aim is to give practical guidance on how to comply with EU sanctions when providing humanitarian aid, in particular medical assistance to fight the COVID-19 pandemic. The guidance note covers sanctions regimes vis-à-vis Syria, Iran, Venezuela, Nicaragua and terrorism.*

26 The sanctions regime was amended by Council Decision (CFSP) 2021/482, OJ L 99 I, 22.3.2021, p. 37.

27 Council Decisions (CFSP) 2021/483 (OJ L 99 I, 22.3.2021, p. 40), 2021/639 (OJ L 132 I, 19.4.2021, p. 12 -21) and 2021/1000 (OJ L 219 I, 21.6.2021, p. 57).

28 Council Decision (CFSP) 2021/908, OJ L 197 I, 4.6.2021, p. 3 (as regards flights); Council Decision 2021/1031, OJ L 224 I, 24.6.2021, p. 15 (as regards purchases in Belarus of petroleum products) and Council Decision (CFSP) 2021/1001, OJ L 219 I, 21.6.2021, p. 67 (as regards payment to a person subjected to freezing measures of charges for flights).

29 Council Decision (CFSP) 2021/482, OJ L 99 I, 22.3.2021, p. 37.

law, including attacks against medical personnel or humanitarian personnel, became a criterion for designation in the restrictive measures regime³⁰.

- In October 2021, the criteria for designation in the Democratic Republic of Congo restrictive measures regime were amended to include attacks against medical or humanitarian personnel³¹.
- In December 2021, the Council amended the sanctions regime in view of the situation in Mali, allowing the EU to autonomously impose restrictive measures in addition to those decided at UN level. The framework since then also foresees the possibility for Member States to grant derogations for humanitarian purposes, with respect to the EU autonomous measures.

30 Council Decision (CFSP) 2021/1823 (OJ L 369, 19.10.2021, p. 11).

31 Council Decision (CFSP) 2021/1866 (OJ L 377, 25.10.2021, p. 33).

VI. ARMS EXPORTS AND ARMS CONTROLS

EXTRACT FROM THE GUIDELINES

I. PURPOSE

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

The EU Member States continue to apply Council Common Position 2008/944/CFSP on the control of exports of military technology and equipment, as amended by Council Decision (CFSP) 2019/1560³², which is referred to in the Guidelines. Criterion Two in Article 2 of Common Position 2008/944/CFSP stipulates that:

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

(c) deny an export license 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.

In 2021, the Council continued its work on the implementation of the objectives included in the 2019 Council Conclusions regarding the review of the Common Position 2008/944 CFSP on arms export control. On 15 January 2021, the Council adopted Decision (CFSP) 2021/38 on end-user certificates for the export of small arms and light weapons and their ammunition, which contributes to further

convergence among Member States' arms export policies³³. COARM continued to have exchanges with a variety of stakeholders, including civil society organisations, the ICRC and representatives from the European defence industry.

The EU also continued its outreach activities to support third countries in setting up an arms export control system, and to promote the universalisation of the Arms Trade Treaty (ATT). Under Council Decision (CFSP) 2020/1464 of 12 October 2020 on the promotion of effective arms export controls, a number of workshops and individual assistance events were held by the German Federal Office for Economic Affairs and Export Control (BAFA). These were mostly in a virtual format owing to the pandemic. In addition, further regional outreach activities, tailored national assistance programmes and ad hoc individual assistance workshops were carried out by BAFA and Expertise France under Council Decision (CFSP) 2017/915 and under the subsequent Council Decision (CFSP) 2021/2309 on Union outreach activities in support of the implementation of the Arms Trade Treaty. In 2021, the EU decided to support activities of the ATT Secretariat in support of the implementation of the Arms Trade Treaty, through Council Decision (CFSP) 2021/649³⁴.

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

33 Council Decision (CFSP) 2021/38 of 15 January 2021 establishing a common approach on the elements of end-user certificates in the context of the export of small arms and light weapons and their ammunition, OJ L 14, 18.1.2021, p. 4.

34 Council Decision (CFSP) 2021/649 of 16 April 2021 on Union support for activities of the ATT Secretariat in support of the implementation of the Arms Trade Treaty, OJ L 133, 20.4.2021, p. 59.

This project further strengthens the multilateral support framework underlying the ATT.

In September 2021, the Council adopted the 23rd annual report under Article 8(2) of Council Common Position 2008/944/ CFSP. The aim is to provide detailed data on arms export licenses granted and denied in 2020 and thereby contribute to transparency in the arms trade. As of 2020, the annual reports are also available in a user-friendly online database³⁵, which thus increases transparency on European arms exports.

Regulation (EU) 2021/821, which was published in June 2021 and came into effect on 9 September 2021³⁶, introduced key changes to modernise the EU export controls regime for dual use items. It introduced a legal basis for EU controls on trade in cyber-surveillance technologies. The purpose is to prevent human rights violations in third countries and to ensure the publication of an "EU Watch List" of technologies and destinations of concern. This allows the EU to mobilise export controls more actively to protect its interest and promote human rights, in line with its foreign and security policy objectives.

The EU actively supports the implementation and universalisation of non-proliferation, disarmament and arms control conventions and agreements that are inspired by, and often entirely based on, the application of IHL.

These include the Nuclear Non-Proliferation Treaty, the Comprehensive Test Ban Treaty (CTBT), the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention (BTWC), the Arms Trade Treaty (ATT), the Anti-Personnel Mine Ban Convention, the Convention on Certain Conventional Weapons (CCW), the UN Programme of Action against the Illicit Trade in Small Arms and Light Weapons and the Convention on Cluster Munitions (CCM). Since 2004, the Council of the EU has committed EUR 215 million in support of the multilateral disarmament and arms control treaty framework.

On 19 September 2021, the Council adopted a Council Decision (CFSP) 2021/1694. This assigned 1.6 mio Euro in

respect of the 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, the CCW³⁷. The Council Decision, which confirms the priority and importance that the EU attaches to the upholding of the multilateral arms control system in general, and to the CCW in particular, will be implemented by the UNODA. Furthermore, the Council approved conclusions on the Sixth Review Conference of the CCW held in December 2021³⁸. The Council stressed that it is of particular importance to keep the Convention responsive to new developments. It stressed that the EU must make every effort to preserve the operational continuity and future of the Convention, as it is a key instrument of International Humanitarian Law (IHL).

On 25 November 2021, the Council adopted Decision (CFSP) 2021/2072 in support of building resilience in biosafety and biosecurity through the Biological and Toxin Weapons Convention which seeks to improve biosafety and security, notably in Africa³⁹.

At the 26th session of the Conference of States Parties to the CWC in The Hague, the European Union condemned breaches of IHL as a result of chemical weapons attacks perpetrated by the Syrian Arab Republic (29 November 2021)⁴⁰.

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

A number of the EU restrictive measures also make provision for the imposition of arms embargoes, in particular in relation to situations of armed conflict. Additionally, in order to support the prohibition of the use of chemical weapons laid down by the CWC, the Council extended⁴¹ the application of Council Decision (CFSP) 2018/544 of 15 October 2018 concerning restrictive measures against the proliferation and use of **chemical weapons**.

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

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

37 Council Decision (CFSP) 2021/1694 of 21 September 2021 in support of the universalisation, implementation and strengthening of the 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 (CCW), OJ L 334, 22.9.2021, p. 14.

38 Council Doc.13244/2021.

39 Council Decision (CFSP) 2021/2072 of 25 November 2021 in support of building resilience in biosafety and biosecurity through the Biological and Toxin Weapons Convention, OJ L 421, 26.11.2021, p. 56–64.

40 Statement on behalf of the European Union delivered by H.E. Ambassador Marjolijn Van Deelen, Special Envoy for Disarmament and Non-Proliferation, at the 26th session of the Conference of States Parties to the CWC, The Hague, 29 November 2021.

41 Council Decision (CFSP) 2021/1799 of 11 October 2021 amending Decision (CFSP) 2018/1544 concerning restrictive measures against the proliferation and use of chemical weapons, OJ L 361, 12.10.2021, p.51

VII. CRISIS MANAGEMENT OPERATIONS AND TRAINING

EXTRACT FROM THE GUIDELINES

Paragraph 16(f):

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

Paragraph 16(h):

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

The EU oversees 18 civilian and military EU crisis management missions and operations promoting peace and security, under the EU's Common Security and Defence Policy (CSDP). During the reporting period, the EU conducted 11 civilian missions and seven military missions and operations. A regional advisory and coordination cell (RACC) was also deployed to the field.

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

MILITARY MISSIONS AND OPERATIONS

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

The EU Training Missions promote obligations under international law, especially as regards IHRL and IHL, in their training and education activities. The prevention of and

protection against sexual and gender-based violence and respect for IHL must be included in the curricula of every course and training module delivered and/or mentored by the missions. IHRL and IHL considerations are included in advice provided to host nation authorities on defence policy.

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

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

The mission's training for troops, including training for senior ranks, must include a focus on human rights and humanitarian law. This covers, for instance, the protection of civilians, children affected by armed conflict, gender equality and the protection of women, and measures

to ensure peace and security. To facilitate integration and training on these issues, the mission should include thematic expertise on human rights and gender, and work in cooperation with partners and civil society.

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

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

The training team in **EUTM Somalia** continued to provide modules on IHL and women and child protection in armed conflicts in all courses delivered to the Somali National Armed Forces. In total, around 230 members of the Somali National Armed Forces were trained on IHL regulations and obligations.

IHL courses were also delivered by the UNSOM's 'Protection of Women and Child in Conflicts' office in Mogadishu via a distance learning system (DLS), in some cases in collaboration with the ICRC offices in Mogadishu, Nairobi and London.

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

EUTM Mozambique, established in October 2021, has a clear reference in its mandate to support a more efficient and effective response by the Mozambican armed forces to the crisis in Cabo Delgado in compliance with human rights law and international humanitarian law⁴².

EUTM's strategic objective is to support the capacity-building of the units of the Mozambican armed forces that will be part of a future Quick Reaction Force. The Mission's objective is to train selected units of the Mozambican Armed Forces (FADM) in order to develop the necessary and sustainable capacities to restore safety and security in the Cabo Delgado province, in compliance with International humanitarian law and International human rights law.

On 1 November 2021, EUTM Mozambique handed over the Portuguese training programme and started providing military training including operational preparation, specialised training on counter-terrorism, and additional training scope on the protection of civilians in particular: IHL, IHRL, gender perspective, women and girls in conflict, children and armed forces. Since the beginning of the EU Mission, the ICRC has contributed to the capacity-building of the FADM in matters of IHRL and IHL by delivering specific lectures to Mozambican companies. From the outset, IHL has been an integral part of all training activities provided by the European instructors. Furthermore, the Mission force commander maintains a close coordination with the head of the OCHA regional office for Southern and Eastern Africa regarding the respect for IHL/HR by the FADM in particular.

CIVILIAN MISSIONS

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

EUCAP Sahel Niger explicitly refers to the compliance with international humanitarian law by its local partners as one of the four principles of action in its operational planning documents for the mandate October 2020 to September 2022.

The Benchmarking Table, which is annexed to the operational planning documents, stipulates as one criterion for evaluation whether basic notions of IHL are included in relevant training that the Mission organises for the Nigerien Security and Defence Forces.

EUCAP Sahel Niger includes IHL in its training for military judicial police (Gendarmerie prévôtale). The training, which runs over two weeks, includes a six to eight hour-long training module on international humanitarian law. The Mission works with the Office of the High Commissioner of Human Rights (OHCHR) to deliver this training module. This is in line with the compliance framework (cadre de conformité) on human rights and humanitarian law in relation to the G5 Sahel to which OHCHR also provides technical assistance. Thus, inviting OHCHR to training sessions ensures that the military judicial police is trained according to regional standards. As a result, military judicial police, trained by EUCAP Sahel Niger and the OHCHR, can be deployed both nationally or regionally within the G5 Sahel. In 2021, 29 men participated in the training for military judicial police; no women were identified for the training.

EUCAP Somalia's current mandate expires on 31 December 2022. A Strategic Review will be conducted which will inform decisions shaping the new mandate as of 2023.

42 Council Decision (CFSP) 2021/1143 of 12 July 2021 on a European Union Military Training Mission in Mozambique (EUTM Mozambique), OJ L 247, 13.7.2021, p. 93.

EUCAP Somalia is mainstreaming human rights, human rights due diligence, International Humanitarian Law and gender equality principles both internally and throughout all of its activities. In 2021 the Mission contributed to raising awareness on human rights. This covered, for instance, rules of engagement and principles of IHL in preparing for the pre-deployment training for the Somali Federal Darwish Police Force. The Mission continued to promote respect for IHL directly during operational planning meetings with Somali and international Security Sector Advisers.

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

One significant projects which attempts to change the situation in the field of human rights and international humanitarian law is the EUAM RCA - ICRC project, which has established two Human Rights Units within the General Directorates of the FSI (Force de Sécurité Interne). Terms of reference were signed in early 2021 and converted into a concept note and an action plan setting out the arrangements for the implementation of the project. As of February 2021, eight police and gendarmerie officers, four women and four men, have been selected to join the future units. They have acquired the basics of human rights and international humanitarian law necessary for the accomplishment of their missions during seminars held by the ICRC and EUAM RCA.

On 15 December 2021, the pre-validation workshop for the draft texts relating to the creation of two Human Rights Units was held at the EUAM RCA headquarters. All financial and technical partners attended the workshop. The draft texts were transmitted on 17 December 2021 to the Minister of the Interior and Public Security for approval and transmission to the General Secretariat of the Government. Once the texts, including the Decree, have been approved by the Council of Ministers and signed by the President of the Republic and come into force, the Units will be able to progressively start their activities. In the meantime, training of future members of Human Rights Units in issues related to human rights and international humanitarian law continues.

EUAM Iraq (the civilian EU Assistance Mission in Iraq) was established 'to respond to the Iraqi request for advice and assistance to support the implementation of the Iraqi National Security Strategy (NSS) and the civilian aspects of Security Sector Reform work'. As mentioned in its operational planning documents, the policies and plans developed with the support of the Mission will be compliant with international law. This covers, for instance, IHRL, IHL and international refugee law, CEDAW and the

United Nations Security Council Resolutions on Women, Peace and Security (WPS).

In carrying out its mandate in civilian security sector reform, EUAM Iraq provides expertise on a diverse range of reform components. International human rights law, humanitarian law, and criminal law are mainstreamed. The aim is to ensure compliance in planning, strategies, policies, structures and operations.

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

EUAM Iraq advised on the implementation of the National Preventing/Countering Violent Extremism (P-CVE) Strategy, which was adopted in February 2019 by the National Security Council of Iraq and which includes humanitarian law aspects. For instance, during interventions on CT/CVE with FIIA, IHL is raised in discussions on the legal status of Da'esh operatives and prisoners in the context of their prosecution and treatment.

In 2021, the Mission advised and consulted the Iraqi Ministry of the Interior on the implementation of the 2nd Iraqi National Plan of Action on Women, Peace, and Security (INAP2). This also includes advice on the government's response to conflict-related sexual violence, with a stress on a survivor-centred approach. The Mission facilitated various workshops, with the participation of a national CSO, in which this topic was raised.

The civilian CSDP mission **European Union Monitoring Mission in Georgia (EUMM Georgia)** has explicit references to IHL in its mandate and operational planning documents. In that context, the Mission monitors and reports on violations of IHRL and IHL. It also plays an active role in promoting human rights, gender equality and respect for IHL.

In 2021, the EUMM continued to monitor and report on the overall humanitarian and human rights situation of internally displaced persons and other conflict-affected communities living along and beyond the Administrative Boundary Lines (ABLs). The Mission also continued to follow closely the process of clarifying the fate and whereabouts of missing persons in connection to the 2008 conflict and its aftermath. Furthermore, the EUMM supported dialogue between the parties on the ground in finding solutions to the human security challenges of the conflict-affected population across the ABLs that are fully informed by both IHRL and IHL. Throughout the year, the Mission's monitors received training on applicable IHRL and IHL. This also covered training on internal displacement and protection of cultural heritage.

EULEX Kosovo is a civilian rule of law mission operating in peacetime. The Mission's activity, which focuses on IHL, is monitoring war crimes cases and trials in Kosovo's criminal justice system.

With its forensic expert capacity, EULEX continued to actively contribute to the 'Working Group on persons unaccounted for in relation to the events in Kosovo between January 1998 and December 2000' which is chaired by the ICRC. Since 2004, the latter has been bringing together representatives of the authorities in Belgrade and Pristina. The aim is to clarify the fate of the over 1600 individuals who are still missing. The Mission's forensic team also supported the Kosovo Institute of Forensic Medicine in their field work. Examples of work carried out included excavations and exhumations at potential gravesites. The work at the Kizevak site in Serbia was one such example where the remains of nine individuals were exhumed and eventually identified. This site was located in 2020 after several years of work by the Mission's experts and as a result of satellite images provided by the ICRC through the Belgrade and Pristina authorities.

EULEX continued its in-depth monitoring of war crime cases from their investigation to their final adjudication phase. In December 2021, the Mission released its fifth Justice Monitoring Report, the second to be made available to the public. This report featured a specific section on the investigation and prosecution of serious crimes under international law and included specific findings on war crimes and recommendations to the relevant authorities.

EULEX continued to support the Kosovo Specialist Chambers and the Specialist Prosecutor's Office (SC/SPO) in line with the provisions of the relevant Kosovo legislation and within its means and capabilities. The SC/SPO were established under Kosovo law to prosecute and adjudicate criminal offences, including serious violations of international humanitarian law.

The **RACC (Regional Advisory Coordination Cell for Security and Defence in the Sahel)** supports the G5 Sahel (G5S) structures and countries to enhance regional cooperation and operational capabilities in the field of defence and security, in compliance with IHL, IHRL, and the EU Strategic Approach to Women, Peace and Security as set out by the Council in its conclusions of 10 December 2018.

The annual pre-deployment training event was held in 2021 for the 5th mandate of the G5 Sahel Joint Force HQ, Sector and battalions HQ staff. The event took place at the G5S Defence College in Mauritania. It involved 40 participants of which one woman, and included two sessions on IHL. IHL was also discussed in other sessions, for instance those relating to 'senior military staff responsibilities', and to 'human rights and the fight against anti-terrorism'. The RACC coordinated the training course. The IHL components were managed by OHCHR staff from the Compliance Framework programme, financed by the EU, and by ICRC staff from its delegation in Nouakchott.

The RACC further facilitated, as part of its regionalisation role, IHL training for the Burkina Faso commanders working under the 5th mandate of the G5S Joint Force. The training was carried out by EUTM staff together with the ICRC.

IHL was further integrated into the training of the Police Component of the Joint G5 Sahel Force. Various training sessions took place over the year. This included pre-deployment of the provosts, and pilot training for the Joint Force. The RACC also participated in the preparation and conduct of the practical exercises, with the two EUCAP Sahel missions. The exercises (court situations with military trainees/provosts/police/magistrates) all related to compliance with the G5S Compliance Framework. For all training on the Police Component, the OHCHR (through its Compliance Framework) was present to provide its IHL expertise.

All training sessions and workshops provided by the EU Border Assistance Mission to Libya (EUBAM Libya) include information on the Geneva Conventions and IHL obligations of States and state representatives (incl. law enforcement and border management services), and a dedicated discussion on conflict-related sexual violence.

EUBAM Libya has chaired the international technical coordination groups on forensics as well as on transitional justice. Both these fora bring together international actors from the ICC, the ICRC, the UN Fact Finding Mission, the UN Panel of Experts, Interpol, Embassies, the UN, AU etc. relevant to the issues at hand. They both tie in with IHL considerations, and they both contribute to identifying needs and gaps in this regard, and to shaping programming and interventions to meet those needs. An example would be the development of an EU LEAD project to train Libyan law enforcement on the use of ground-penetrating radars (GPRs) and basic forensics, so as to more effectively clear sites of mass graves in Tarhouna, Sebha, and Benghazi. The use of GPRs not only expedites the search for bodies and remains (and thus allows for the land to be "cleared" and returned to the local communities sooner for agricultural exploitation and livelihoods), but also allows for much better evidence collection and preservation, as the GPR informs on the exact location and dimensions around where to dig in order to excavate human remains. This therefore minimises risk of damaging the remains.

Together with European Security and Defence College (ESDC) and military academies/war colleges of EU Member States, a number of dedicated IHL presentations were delivered to key EU military representatives. In a joint venture with the ICRC, the EU also organised in March 2021 IHL training tailored to the needs of EU crisis management/response structures and of EU security and defence experts. This aimed to maintain its own IHL-related capacity and staff knowledge at a high level.

VIII. INTERNATIONAL CRIMINAL TRIBUNALS AND MECHANISMS

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

EXTRACT FROM THE GUIDELINES

Paragraph 16(g):

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

The EU's commitment to the **ICC** is set out in Council Decision 2011/168/CFSP⁴³. It is further consolidated in the Action Plan following up on this Decision. In addition, the EU Guiding Principles concerning Arrangements between a State Party to the Rome Statute of the ICC and the United States Regarding the Conditions to Surrender Persons to the Court were adopted by the General Affairs and External Relations Council on 30 September 2002. The EU regularly coordinates its position in the Assembly of States Parties. Examples are in Annex II (Section D).

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

Throughout the period, significant work was conducted to ensure that support for the ICC, including the ratification of the Rome Statute, remained high on the EU policy agenda.

This is reflected in relevant EU human rights dialogues and consultations with partner countries. For example, the issue of ratification and national implementation of the Rome Statute was raised in the EU-Ukraine human rights dialogue.

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

The EU and its Member States increased their efforts to strengthen cooperation with the Court. In particular, the EU undertook action to encourage voluntary cooperation of states with the ICC, namely voluntary agreements on the protection and relocation of victims and witnesses, on interim release and the enforcement of sentences, and on ensuring immunity of ICC staff and the execution of arrest warrants.

The EU Special Representative for Human Rights has maintained his active engagement with the key element of the mandate - promoting support for international

⁴³ Council Decision 2011/168/CFSP of 21 March 2011 on the International Criminal Court and repealing Common Position 2003/444/CFSP, OJ L 76, 22.3.2011, p. 56; Action Plan to follow-up on the Decision on the International Criminal Court, ST 12080/11, Brussels, 12 July 2011.

criminal justice and, in particular, for the International Criminal Court. The EUSR took the opportunity during his mission to Ukraine in late October to raise the importance of ratifying the Rome Statute, as well as the importance of harmonising national legislation with international criminal and humanitarian law. The implementation of the recommendations of the Independent Expert Review of the ICC and the Rome Statute system were discussed during the EUSR's visit to The Hague in September, where he met with ICC Representatives. Strong EU support for the ICC was further expressed at a meeting of the Informal Ministerial Network in the margins of 76th UN General Assembly in September 2021.

On 23 May 2021, the 6th EU Day against Impunity for Genocide, Crimes against Humanity and War Crimes, the EUSR contributed to a film with the theme "Seeking justice for Victims of Crimes in Syria: EU and Member States tackling the Impunity Gap", initiated by the Genocide Network. The film brings forward the work done by the EU and EU Member States to ensure accountability for crimes committed in Syria.

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

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

The EU has dedicated over EUR 40 million to the **ICC** since its creation, both in direct support and through support to civil society, under its previous thematic instrument for democracy and human rights (global civil society campaigns). In particular, since 2003, the EU has directly contributed to the ICC's outreach activities with an annual budget of EUR 1 million. The overall objective of this action is to continue support for and cooperation with the ICC. The specific objectives are: 1) to keep broadening the understanding of the ICC and the Rome Statute amongst the key stakeholders, in particular ICC States Parties and legal professionals, and achieve greater support and cooperation of States with the ICC; and 2) to reinforce national capacities in dealing with crimes under the Rome Statute, particularly in situation countries.

In 2022, the 15th EU support project on the ICC is about to start. This continues to pursuing the above objectives. A special 16th support project will be also put in place, as a rapid response action under the Global Europe third pillar. The aim is to provide the ICC's office of the Prosecutor with new investigation capacities and equipment, so that ICC can

address, on its jurisdiction granted by Ukraine since 2013, cases referred before the Court as of April 2022.

Financial support has also been provided to civil society organisations advocating the universality of the Rome Statute. The EU supported, in particular, the work of Parliamentarians for Global Actions (PGA), a network of about 1,300 legislators in over 140 elected parliaments around the world (the project with PGA ended in April 2021). Civil society organisations were also associated to the regular meetings of the EU and EU Member States on the ICC.

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

Since 2018, the EU has been financially contributing to the functioning of the **Special Criminal Court** in the **Central African Republic**. At the same time, it ensures close coordination with CAR and international counterparts, including the UNDP and MINUSCA, in the fight against impunity and access to justice. Thanks to this support, key human resources were recruited and trained, which enabled the conduct of investigations. The EU has also supported the adoption of bills that were essential to the functioning of the court, as well as the drafting of strategies to guide the work of the court in its investigation and prosecution activities.

The EU also continued to maintain its support for a number of international criminal tribunals and mechanisms. These include the Special Criminal Court in the Central African Republic, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, the Special Tribunal for Lebanon, and the UN International Residual Mechanism for Criminal Tribunals, which is mandated to perform a number of essential functions previously carried out by the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia.

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

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

EU's support to the **Kosovo Specialist Chambers** and the **Kosovo Specialist Prosecutor Office** has continued in 2021, either operationally through EULEX, or through

secondments of staff to the Courts and through financial contribution (EUR 115 793 683 for the period June 2021-June 2023).

The Specialist Chambers within the Kosovo justice system and the Specialist Prosecutor's Office are necessary to fulfil the international obligations undertaken in Law No. 04/L-274, to guarantee the protection of the fundamental rights and freedoms enshrined in the Constitution of the Republic of Kosovo, and to ensure secure, independent, impartial, fair and efficient criminal proceedings in relation to allegations of grave trans-boundary and international crimes committed during and in the aftermath of the conflict in Kosovo, which relate to those reported in the Council of Europe Parliamentary Assembly Report Doc 12462 of 7 January 2011 ("The Council of Europe Assembly Report") and which have been the subject of criminal investigation by the Special Investigative Task Force ("SITF") of the Special Prosecution Office of the Republic of Kosovo ("SPRK").

On the fight against impunity for serious violations of IHL, the EU has continued to maintain its support for regional action in the Western Balkans and that this should be taken forward by the **International Residual Mechanism for Criminal Tribunals (IRMCT)**. The action targets a reduction in the backlog of war crimes cases at domestic level and increases public awareness and understanding of the crimes committed during the 1990s conflicts on the territory of the former Yugoslavia. The action strengthens the rule of law and, ultimately, contributes to good neighbourly relations and reconciliation. The EU contributes EUR 1 million annually to this action, with the current phase running from January 2021 until December 2023.

IX. CONCLUSION

During the reporting period, the EU continued to promote compliance with international humanitarian law through all policy levers of the Guidelines.

Through its statements and political positions, the EU has thus fully confirmed its role as a leading international actor that is committed to promoting international humanitarian law. This commitment has materialised at different levels. As the world's largest donor of humanitarian aid, the EU has extensively continued its policy of financial support to international organisations on the ground. Once again this year, and as a key actor in humanitarian aid, the EU has assisted such organisations in various theatres of operation, notably in Syria and Libya, and through support provided to the ICRC Initiative 'Health Care in Danger' in the Democratic Republic of Congo, Mozambique and Ukraine. This initiative is designed to enhance access to healthcare in times of armed conflict and emergency.

The EU's training efforts have also continued through programmes such as EUTM RCA and a new programme, EUTM Mozambique, which has been set up to enable Mozambican armed forces to respond quickly and effectively to crises, such as the one that recently occurred in the Cabo Delgado region. Finally, the EU continued its policy of cooperation with international criminal justice bodies by supporting the work of the International Criminal Court (ICC) and other international tribunals and mechanisms.

In addition to summarising EU actions, this report, as with previous ones, aims to contribute to the dissemination of the Guidelines and, more broadly, to the dissemination of the rules of international humanitarian law. In a context where humanitarian needs have reached a historically high level, mainly as a result of the increase in State conflicts - especially in the context of the war in Ukraine - the objective of raising awareness among EU actors about the promotion of international humanitarian law is crucial.

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 ⁽³⁾.

III. OPERATIONAL GUIDELINES

A. REPORTING, ASSESSMENT AND RECOMMENDATIONS FOR ACTION

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

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

Consideration should also be given, where appropriate, to drawing on the services of the International Humanitarian Fact-Finding Commission (IHFFC) established under Article 90 of the Additional Protocol I to the Geneva Conventions of 1949, which can assist in promoting respect for IHL through its fact-finding capacity and its good offices function.

- (b) Whenever relevant, EU Heads of Mission, and appropriate EU representatives, including Heads of EU Civilian Operations, Commanders of EU Military Operations and EU Special Representatives, should include an assessment of the IHL situation in their reports about a given State or conflict. Special attention should be given to information that indicates that serious violations of IHL may have been committed. Where feasible, such reports should also include an analysis and suggestions of possible measures to be taken by the EU.
- (c) Background papers for EU meetings should include, where appropriate, an analysis on the applicability of IHL and Member States participating in such meetings should also ensure that they are able to draw on advice as necessary on IHL issues arising. In a situation where an armed conflict may be at hand, the Council Working Group on International Law (COJUR) should be informed along with other relevant Working Groups. If appropriate and feasible, COJUR could be tasked to make suggestions of future EU action to relevant EU bodies.
- B. MEANS OF ACTION AT THE DISPOSAL OF THE EU IN ITS RELATIONS WITH THIRD COUNTRIES
16. The EU has a variety of means of action at its disposal. These include, but are not limited to, the following:
- (a) Political dialogue: Where relevant the issue of compliance with IHL should be brought up in dialogues with third States. This is particularly important in the context of on-going armed conflicts where there have been reports of widespread IHL violations. However, the EU should also, in peacetime, call upon States that have not yet done so to adhere to, and fully implement, important IHL instruments, such as the 1977 Additional Protocols and the ICC Statute. Full implementation includes enactment of any necessary implementing legislation and training of relevant personnel in IHL.
- (b) General public statements: In public statements on issues related to IHL, the EU should, whenever appropriate, emphasise the need to ensure compliance with IHL.
- (c) Demarches and/or public statements about specific conflicts: When violations of IHL are reported the EU should consider making demarches and issuing public statements, as appropriate, condemning such acts and demanding that the parties fulfil their obligations under IHL and undertake effective measures to prevent further violations.
- (d) Restrictive measures/sanctions: The use of restrictive measures (sanctions) may be an effective means of promoting compliance with IHL. Such measures should therefore be considered against State and non-State parties to a conflict, as well as individuals, when they are appropriate and in accordance with international law.
- (e) Cooperation with other international bodies: Where appropriate, the EU should cooperate with the UN and relevant regional organisations for the promotion of compliance with IHL. EU Member States should also, whenever appropriate, act towards that goal as members in other organisations, including the United Nations. The International Committee of the Red Cross (ICRC) has a treaty-based, recognised and long-established role as a neutral, independent humanitarian organisation, in promoting compliance with IHL.
- (f) Crisis-management operations: The importance of preventing and suppressing violations of IHL by third parties should be considered, where appropriate, in the drafting of mandates of EU crisis-management operations. In appropriate cases, this may include collecting information which may be of use for the ICC ⁽⁴⁾ or in other investigations of war crimes.
- (g) Individual responsibility: While, in post-conflict situations it is sometimes difficult to balance the overall aim of establishing peace and the need to combat impunity, the European Union should ensure that there is no impunity for war crimes. To have a deterrent effect during an armed conflict the prosecution of war crimes must be visible, and should, if possible, take place in the State where the violations have occurred. The EU should therefore encourage third States to enact national penal legislation to punish violations of IHL. The EU's support of the ICC and measures to prosecute war criminals should also be seen in this context.
- ⁽⁴⁾ See the Agreement on Cooperation and Assistance between the European Union and the International Criminal Court referred to in footnote 3 above.

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

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

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

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

ANNEX

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

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

- 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

[See Section II of the report]

i. Council Conclusions

Subject	Date	Extract
4. Council Conclusions on EU Priorities in UN Human Rights Fora in 2021	22.02.2021	'The EU will continue calling on all states to uphold international humanitarian law (IHL) and human rights law and to ensure full, timely and unhindered countrywide access for the delivery of humanitarian aid to populations in need and the effective protection of humanitarian and medical workers. The EU will continue to urge parties in armed conflicts to take all necessary measures to protect civilians, particularly women and children.'
5. Myanmar/Burma - Council conclusions	22.02.2021	'The European Union will continue to provide humanitarian assistance, in accordance with the principles of humanity, neutrality, impartiality and independence , to refugees and displaced persons in Myanmar/Burma and the region, including the Rohingya, in line with its long-standing engagement and its pledges during the International Rohingya Donor Conference that it co-chaired on 22 October 2020. In this context, the EU repeats its call for free and unhindered humanitarian access and stands ready to step up its humanitarian assistance for all needs, if required. The Council reiterates the need to address the root causes of the crisis in Rakhine State and to create conditions necessary for the safe, voluntary, sustainable and dignified return of refugees and displaced persons, in accordance with international standards.'
6. Ethiopia - Council Conclusions	11.03.2021	<p>'The EU urges all parties to immediately end violence, and to respect International Human Rights Law, International Humanitarian Law and International Refugee Law. Full, rapid and unhindered humanitarian access to all people in need must be ensured in all areas. Humanitarian principles of impartiality, neutrality, and independence must be guaranteed for a scaled up humanitarian response. The EU calls for the protection of internally displaced people (IDPs) and refugees and reminds that the international principle of 'non-refoulement' must be respected.</p> <p>'The EU welcomes the commitments of the Ethiopian authorities to bring all perpetrators to justice and to accept international technical assistance to undertake the investigations. The EU will follow up closely on progress in this regard, as all allegations of violations of human rights and International Humanitarian Law need to be impartially investigated and accountability ensured. The EU also supports the important work of the Ethiopian Human Rights Commission (EHRC) that provides detailed documentation as well as recommendations for action, and stands ready to support additional national efforts. The EU welcomes as a first step the announcement of the Ethiopian Government to set up a task force to investigate sexual and gender-based violence. More efforts are needed.'</p>

Subject	Date	Extract
7. The European Union's Integrated Strategy in the Sahel - Council Conclusions	16.04.2021	<p>'The EU also supports the human rights and international humanitarian law compliance framework. An increasing number of EU Member States are involved in MINUSMA. These efforts reflect Europe's commitment to peace, security, stabilisation and the protection of civilians in the Sahel. The EU's support for SSR should continue to contribute to the return of human security and should remain based on the principles of democracy, respect for human rights and international humanitarian law, in particular as concerns humanitarian access and the protection of civilians. Violations or abuses of human rights or international humanitarian law must be prosecuted, and those responsible must be held accountable.'</p>
8. The Horn of Africa: a geo-strategic priority for the EU - Council conclusions	10.05.2021	<p>'Demographic changes, urbanisation, digitalisation and the emergence of new markets provide important opportunities. Yet the region is affected by the dire effects of climate change and more frequent natural disasters. Governance challenges need to be overcome to address persistent poverty, socio-economic inequalities, difficult access to basic services and lack of decent job opportunities, all of which has been exacerbated by the COVID-19 pandemic. The region hosts the largest number of internally displaced persons (IDPs) and refugees in Africa. Violations and abuses of human rights and violations of International Humanitarian Law (IHL) persist, while humanitarian challenges are growing exponentially. It also remains a region of origin, transit and destination of important migration flows, including irregular migration, to other countries in the wider region as well as to the EU.'</p>
9. Communication from the Commission to the European Parliament and the Council on the EU's humanitarian action: new challenges, same principles - Council Conclusions	20.05.2021	<p>'The Council welcomes the timely Communication from the Commission to the European Parliament and the Council on the EU's humanitarian action, in view of the growing humanitarian challenges worldwide in terms of both funding and aid delivery. The Council expresses serious concern at the unprecedented scale of humanitarian needs, the shrinking of humanitarian space and the growing funding gap. The COVID-19 pandemic has significantly amplified the impact of conflicts, climate change, demographic pressures, forced displacement, failed or weak governance, and the growing number of breaches of international humanitarian law (IHL). All of these factors particularly affect populations in vulnerable situations.</p> <p>The Council therefore stresses the importance of putting respect for and compliance with IHL consistently at the heart of the EU's external action – as expressed in the EU Guidelines on Promoting Compliance with International Humanitarian Law – as well as ensuring the protection of civilians and civilian infrastructure, supporting and promoting principled humanitarian action and safeguarding humanitarian space.'</p>
10. Council Conclusions on EU Approach to Cultural Heritage in conflicts and crises	21.06.2021	<p>'The Council stresses the EU's commitment to upholding and strengthening the rules-based international order to protect and safeguard cultural heritage, with the United Nations (UN) at its core, and ensuring effective multilateralism based on the respect for international law norms and principles, international humanitarian law, protection of human rights and fundamental freedoms. The Council also recognises the Human Rights aspect of this issue, as per the Human Rights Council Resolution of 6 October 2016 on "Cultural rights and the protection of cultural heritage.'</p>

Subject	Date	Extract
<p>11. EU priorities at the United Nations during the 76th United Nations General Assembly, September 2021 - September 2022 - Council conclusions</p>	12.07.2021	<p>'The EU as a leading global humanitarian donor will further develop its partnership with the UN towards a more effective and efficient global humanitarian system and intensify advocacy for the respect of the humanitarian principles of humanity, neutrality, impartiality and independence. The EU will also remain a vocal defender of International Humanitarian Law and will promote safe, rapid and unimpeded access to affected populations, the principled delivery of humanitarian aid as well as the safety, security and protection of civilians, in particular women and children, persons with disabilities, and of humanitarian and medical workers. The EU reaffirms the importance of robust and effective sanctions regimes in the fight against terrorism. Safeguarding the humanitarian space through appropriate measures, including through the consistent inclusion of humanitarian exceptions, where relevant, is essential in order not to impede the delivery of humanitarian assistance.'</p>
<p>12. Council conclusions welcoming the upcoming 6th Review Conference of the Convention on Certain Conventional Weapons (CCW)</p>	15.11.2021	<p>CCW was a key instrument of international humanitarian law, which contributed to preventing and reducing the suffering of both civilians and combatants</p>
<p>13. Council conclusions on water in the EU's external action</p>	19.11.2021	<p>Regarding the humanitarian-development-peace (HDP) nexus, the Council reaffirms the need for more complementarity between humanitarian, development and peace actions to support the safety and security of water resources, water personnel - in particular sanitation workers - and water infrastructure through advocating for compliance with international humanitarian law (IHL), international human rights law (IHRL) and international labour rights. The Council calls for enhancing the protection of humanitarian workers delivering lifesaving assistance and critical infrastructures against any type of adverse events, be they natural, accidental or deliberate. The Council calls for strengthening related multi-stakeholder processes and analysis to improve evidence, policy and implementation of interventions, thereby enabling humanitarian, development and peace actors to collaborate better along the nexus to address urgent needs and to intervene earlier to address root causes and prevent the onset of humanitarian water and sanitation crises.</p>

ii. Statements by the High Representative (HR)

Subject	Date	Extract
1. International Day against the Use of Child Soldiers: Joint statement by EU High Representative Josep Borrell & SRSG for Children & Armed Conflict Virginia Gamba	11.02.2021	'With one voice, the EU High Representative/Vice-President of the European Commission and the UN Special Representative reiterate their commitment to prevent the recruitment and use of children in conflict, secure their release, and ensure their reintegration.'
2. Ukraine: Declaration by the High Representative on behalf of the European Union on the illegal annexation of Crimea and Sevastopol	25.02.2021	<p>'Seven years on from the violent, illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, the European Union remains steadfast in its commitment to Ukraine's sovereignty and territorial integrity within its internationally recognised borders.</p> <p>The European Union reiterates that it does not recognise and continues to condemn this violation of international law. It remains a direct challenge to international security, with grave implications for the international legal order that protects the territorial integrity, unity and sovereignty of all States.'</p>
3. Syria: Declaration by the High Representative on behalf of the European Union on the 10 years of the conflict	14.03.2021	'Over the last ten years, countless abuses and violations of human rights, and grave violations of international humanitarian law by all parties, particularly by the Syrian regime, have caused enormous human suffering. Accountability for all violations of international humanitarian and human rights law is of utmost importance both as a legal requirement and a central element in achieving sustainable peace and genuine reconciliation in Syria.'
4. Syria: Statement by the High Representative Josep Borrell on the second OPCW report about the use of chemical weapons	12.04.2021	'The European Union strongly condemns the use of chemical weapons by the Syrian Arab Air Force in Saraqib, the Syrian Arab Republic, on 4 February 2018, as concluded by the report. We fully support the report's findings, which further confirm the failure of the Syrian Arab Republic to comply with the Chemical Weapons Convention more than seven years after the adoption of the United Nations Security Council resolution 2118. The use of chemical weapons by anyone – be it a State or a non-State actor – anywhere, at any time, and under any circumstances, is a violation of international law and can amount to the most serious of international crimes – war crimes and crimes against humanity. Those identified responsible for these reprehensible acts must be held accountable.'

Subject	Date	Extract
5. Chemical Weapons Convention: Statement by the High Representative/ Vice-President Josep Borrell on suspending Syrian voting rights and privileges	21.04.2021	'The European Union welcomes the Decision adopted today by the 25 th Conference of the States Parties to the Chemical Weapons Convention (CWC) suspending the voting rights and privileges of the Syrian Arab Republic due to its failure to comply with the Convention. The Decision is a strong message by the international community against impunity for the use of chemical weapons, in compliance with International Law and International Humanitarian Law .'
6. Israel/Palestine: Statement by the High Representative on the escalation of confrontations	12.05.2021	<p>'The grave escalation in Israel and the Occupied Palestinian Territory, including the major upsurge in violence in and around Gaza, must stop. This follows days of tension and clashes in Jerusalem, including at the holy sites and increasing violence in towns in Israel and the West Bank.</p> <p>The EU is dismayed at the large numbers of civilian deaths and injuries, including children. The priority must be to protect civilians. All efforts should be directed at avoiding civilian casualties, and supporting de-escalation.</p> <p>The indiscriminate launching of rockets from Hamas and other groups towards Israeli civilians is unacceptable.'</p>
7. Armenia/Azerbaijan: Statement by High Representative Josep Borrell on the latest developments	13.06.2021	<p>'The European Union welcomes the actions taken by Armenia and Azerbaijan and facilitated by Georgia that led to the release by Azerbaijan of 15 Armenian detainees and the handing over by Armenia of maps of mined areas on Saturday.</p> <p>These are important humanitarian and confidence building gestures by Baku and Yerevan that will hopefully open the path for further cooperation between the sides and the ultimate release of all Armenian detainees, as well as the handing over of all available maps of mined areas to avoid further civilian casualties.'</p>
8. International Day for the Elimination of Sexual Violence in Conflict: Joint Statement by EU High Representative, Josep Borrell and UN Special Representative on Sexual Violence in Conflict, Pramila Patten	18.06.2021	<p>'We are deeply concerned about the impact on women and girls of recent events, including the use of sexual violence in the Tigray region of Ethiopia and the persistent threat and occurrence of sexual violence in many countries affected by conflict, including Afghanistan, the Democratic Republic of Congo, the Central African Republic, Colombia, Iraq, Libya, Mali, Myanmar, Somalia, South Sudan, Sudan, Syria and Yemen, as documented in the UN Secretary-General's report.</p> <p>The level of compliance by all parties to conflict with international obligations, including relevant Security Council resolutions, remains low. Yet this does not deter us. We continue our work to implement the Women, Peace and Security agenda, to prevent conflict, and to uphold women's rights, agency and safety.'</p>

Subject	Date	Extract
<p>9. Afghanistan: Statement by the High Representative Josep Borrell on the ongoing situation</p>	<p>12.08.2021</p>	<p>'The Taliban's ongoing military offensive is in direct contradiction to their stated commitment to a negotiated settlement of the conflict and the Doha peace process. The EU condemns the increasing violations of International Humanitarian Law (IHL) and human rights, in particular in Taliban-controlled areas and in cities.</p> <p>The EU calls on the Taliban to immediately resume substantive, regular and structured talks and also calls for an immediate halt of the ongoing violence and for a comprehensive, permanent ceasefire. These continued attacks are causing unacceptable suffering to Afghan citizens and are increasing the number of internally displaced and those leaving Afghanistan in search of safety.'</p>
<p>10. Myanmar/Burma: Declaration by the High Representative on behalf of the European Union to support the work of the ASEAN Special Envoy</p>	<p>13.10.2021</p>	<p>'The European Union is deeply concerned about the escalation of armed conflict, significant deployment of the armed forces in rural areas, and an increase in clashes, causing civilian casualties and displacement, and calls for an immediate end to the violence and the full respect of human rights. The European Union firmly stands with the people of Myanmar/Burma and reiterates its call for the immediate and unconditional release of President Win Myint, State Counsellor Aung San Suu Kyi, and all those detained in connection with the coup, the establishment of a genuine political dialogue and a peaceful return to the country's democratic path. This can only be achieved by respecting the will of the overwhelming majority of the people in the country.</p> <p>The European Union will continue to provide humanitarian assistance, in accordance with the principles of humanity, neutrality, impartiality and independence, including urgent aid to contain the outbreak of COVID-19 in the country. It urges the military authorities to ensure rapid, safe and unhindered access to all displaced persons and people in need, including by ensuring the safety of humanitarian and health workers. The EU stands ready to cooperate with international partners, including the ASEAN Coordinating Centre for Humanitarian Assistance, to provide such aid.'</p>
<p>11. Declaration by the High Representative on behalf of the EU on the situation in Ethiopia</p>	<p>4.11.2021</p>	<p>'After one year of fighting, the conflict in northern Ethiopia has further worsened and expanded, creating a devastating humanitarian crisis, undermining the territorial integrity and stability of the country and impacting the whole region. The EU is particularly worried about the recent escalation of fighting in the Amhara region and the military advances of the TPLF and Oromo Liberation Army (OLA), as well as aerial bombardment by the Ethiopian Airforce of Mekelle, all of which risk dragging the country further into fragmentation and widespread armed conflict and worsening the situation of the population.'</p> <p>'In Tigray, violence has forced close to 3 million people to flee their homes and more than 5 million people are in need of urgent humanitarian assistance. In the neighbouring regions of Afar and Amhara, an additional 1.5 million people are estimated to be in need of emergency assistance. Immediate action is needed to ensure full, continuous and predictable access of humanitarian aid into all territories in need of assistance to avert a large-scale famine and relieve the suffering of the local population and IDPs. All parties to the conflict must fully respect International Humanitarian Law, including protection of civilians and humanitarian workers.'</p>

Subject	Date	Extract
<p>12. Day of Remembrance for all Victims of Chemical Warfare: Statement by High Representative/ Vice-President Josep Borrell</p>	29.11.2021	<p>'The prohibition of chemical weapons is the global norm today. Since the entry in force of the Chemical Weapons Convention in 1997, almost 99% of chemical weapon stockpiles declared by possessor States have been verifiably destroyed.</p> <p>However, chemical weapons remain a serious threat to international peace and security. No one should make use of chemical weapons, be it a State or a non-State actor, anywhere, at any time and under any circumstances.</p> <p>These heinous weapons have been used in Syria, causing hundreds of victims, including children. In August last year, a toxic nerve agent "Novichok" was used in the assassination attempt on the Russian opposition politician Alexei Navalny in the territory of the Russian Federation. They have also been used in the United Kingdom, Malaysia and Iraq.'</p>
<p>13. International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime: Statement by the High Representative/ Vice-President Josep Borrell</p>	08.12.2021	<p>'In 1948, the United Nations General Assembly expressed the world's abhorrence at the atrocities of the Second World War and the commitment never again to permit such crimes to take place: the first-ever human rights treaty was adopted.</p> <p>The European Union was born from the ashes of the Second World War. Defending human rights and the protection of people from mass atrocities are at its very core to ensure that history does not repeat itself. The best point of departure is early action. The EU works together with the UN and partners around the globe to strengthen the global protection of human rights and address early warning signs.'</p> <p>'We work to promote accountability and justice and to protect the rights of victims to justice and reparation. We support the world's only permanent and independent court for the investigation and prosecution of the most heinous crimes, the International Criminal Court. Within the EU, the European Network of Contact Points in respect of persons responsible for genocide, crimes against humanity and war crimes ensures cooperation between national authorities in investigating and prosecuting such crimes.'</p>
<p>14. Myanmar: Statement by High Representative Josep Borrell on the recent escalation of violence</p>	30.12.2021	<p>'Recent attacks on civilians in many parts of Myanmar, and most recently in Kayah and Karen States, have resulted in thousands of people being displaced. The appalling act of violence perpetrated by the military regime in Kayah State on 24 December, killing and burning more than 35 people, including women and children, as well as humanitarian workers, underscores the urgent need to hold those responsible accountable.</p> <p>The targeting of civilians and humanitarian actors is unacceptable and a blatant violation of human rights and international law, including humanitarian law. Full, safe and unhindered humanitarian access to all people in need, and the full protection, safety and security of humanitarian and medical personnel must be ensured.'</p>

iii. Statements by the High Representative's spokesperson

Subject	Date	Extract
1. Israel/OPT: Statement by the Spokesperson on new settlements announcements	17.01.2021	<p>'Israel's latest decision to advance plans for the approval and construction of almost 800 new settlement units in the West Bank, is contrary to international law and further undermines the prospects of a viable two-state solution.</p> <p>The EU also reiterates its call on the government of Israel to suspend the ongoing bidding process for the construction of housing units for an entirely new settlement in Givat Hamatos.'</p>
2. Israel/Palestine: Statement by the Spokesperson on the demolitions of Palestinian structures	09.02.2021	<p>'In recent days, Israeli forces confiscated and demolished a total of 46 structures belonging to Palestinian families in Hamsa al-Foqa in the northern Jordan Valley. This was the second time in which structures in the community were demolished following another major demolition carried out on 3 November 2020. Some 60 Palestinians, including 35 children, were displaced in the course of this latest incident. Structures funded by the EU and EU Member States were affected in both cases.</p> <p>These large-scale demolitions confirm the regrettable trend of confiscations and demolitions seen throughout last year. They have continued despite the outbreak of the COVID-19 pandemic, notwithstanding the obligations of Israel as the occupying power under international humanitarian law. The European Union reiterates its call to Israel to halt demolitions and the need to facilitate humanitarian access to the affected communities.'</p>
3. Yemen: Statement by the Spokesperson on the escalation of attacks	08.03.2021	<p>'The European Union condemns the latest missile and drone attacks on the Kingdom of Saudi Arabia claimed by Ansar Allah, and is following closely with concern Coalition attacks on Sana'a.</p> <p>Attacks against civilians are unacceptable. The European Union urges all parties to the conflict in Yemen to agree on a ceasefire without delay. Recent efforts of the International Community to establish a conducive momentum towards a political resolution of the conflict must not be undermined.'</p>
4. Syria: Statement by the Spokesperson on the attack against a medical facility in Atarib, northern Aleppo	22.03.2021	<p>'The European Union condemns the attack by the Syrian regime on 21 March against a medical facility in Atarib, northern Aleppo, the first such deadly attack on a medical facility since the March 2020 ceasefire. Six patients and five medics were killed and the hospital rendered inoperable. The attack is a serious breach of International Humanitarian Law, especially since the coordinates of the hospital had been shared by the United Nations.'</p>
5. Ukraine: Statement by the Spokesperson on the Russian land ownership decree affecting Crimea	23.03.2021	<p>'The European Union does not recognise the illegal annexation of the Crimean peninsula by Russia, which is a clear violation of international law. Therefore, the European Union does not recognise this decree and considers its entry into force as yet another attempt to forcibly integrate the illegally-annexed peninsula into Russia. Crimea is part of Ukraine. The decree is also a violation of international humanitarian law, as it is another step towards the imposition of Russian citizenship on the peninsula. This has led to the arbitrary deprivation of property.'</p>

Subject	Date	Extract
6. Ukraine: Statement by the Spokesperson on the conscription campaign in Crimea	01.04.2021	<p>'The European Union does not recognise the illegal annexation of the Crimean peninsula by Russia, which is a clear violation of international law. Therefore, the European Union does not recognise this decree, which is yet another attempt to forcibly integrate the illegally-annexed peninsula into Russia. Crimea is part of Ukraine. The decree is also a violation of international humanitarian law, as it is another step towards the imposition of Russian citizenship in the peninsula. This could also lead to the arbitrary deprivation of property.</p> <p>The European Union continues to expect Russia to stop all violations of international law in the Crimean peninsula. The European Union is unwavering in its support for Ukraine's independence, sovereignty and territorial integrity within its internationally recognised borders.'</p>
7. Syria: Statement by the Spokesperson on the attack in Afrin	29.04.2021	<p>'The terrorist attack in Afrin central market on Tuesday has killed at least 40 people, including children, and caused injury to at least as many civilians.</p> <p>The European Union offers its most sincere condolences to the relatives and friends of the victims and wishes a speedy recovery to the many wounded.</p> <p>Such intolerable acts of terrorism can never be justified. Those responsible must be held accountable.'</p>
8. Israel/Palestine: Statement by the Spokesperson on settlement expansion and the situation in East Jerusalem	05.05.2021	<p>'Israeli authorities have recently announced intention to construct 540 new housing units in Har Homa E. The implementation of these plans, as well as those for Givat Hamatos, would cut off East Jerusalem from Bethlehem and severely undermine future negotiations towards a two-state solution in line with the internationally agreed parameters.</p> <p>The EU reiterates its position that all settlements in the occupied Palestinian territory are illegal under international law and the EU will not recognise any changes to the pre-1967 borders, including in Jerusalem, other than those agreed by both sides. The EU renews its call on the Israeli government to halt settlement construction and to reverse these latest decisions as a matter of urgency.'</p>
9. Afghanistan: Statement by the Spokesperson on the terrorist attack in the Dasht-e-Barchi neighbourhood	08.05.2021	<p>'The European Union mourns with those who have lost loved ones in the latest horrendous terrorist attack in Afghanistan. The targeting of civilians, including school children attending the Syed Al-Shahda school for girls in the Dasht-e-Barchi neighbourhood of Kabul, in a bomb attack is a blatant and despicable violation of international humanitarian law. We condemn this attack in the strongest possible terms. Those responsible must be held to account, and those that support their actions should feel total shame. The attack is an attack not only on the Afghan population, but on all those worldwide that respect the equal rights of women and girls, and on all those that value education and the right of children to forge their futures.'</p>

Subject	Date	Extract
10. Israel/Palestine: Statement by the Spokesperson on the rise in tensions and violence	08.05.2021	<p>'The European Union calls on the authorities to act urgently to de-escalate the current tensions in Jerusalem. Acts of incitement around the Temple Mount/Haram al-Sharif must be avoided and the status quo has to be respected.</p> <p>Political, religious and community leaders on all sides should show restraint and responsibility and make every effort to calm down this volatile situation.</p> <p>The situation with regard to the evictions of Palestinian families in Sheikh Jarrah and other areas of East Jerusalem is also of serious concern. Such actions are illegal under international humanitarian law and only serve to fuel tensions on the ground.'</p>
11. Israel/Palestine: Statement by the Spokesperson on the latest escalation	10.05.2021	<p>'The significant upsurge in violence in the occupied West Bank, including in East Jerusalem as well as in and around Gaza needs to stop immediately.</p> <p>The firing of rockets from Gaza against civilian populations in Israel is totally unacceptable and feeds escalatory dynamics.</p> <p>All leaders have a responsibility to act against extremists. The status quo of the holy sites must be fully respected.</p> <p>We reiterate our call on all sides to engage in de-escalatory efforts. Further civilian casualties must be prevented as a priority.'</p>
12. Ethiopia: Statement by the Spokesperson on the announcement of a unilateral ceasefire in Tigray	30.06.2021	<p>'The EU welcomes the announcement of the Government of Ethiopia of a unilateral ceasefire in Tigray.</p> <p>To be credible, it should materialise quickly and be accompanied by additional efforts by all parties to end the conflict, stop the atrocities, respect international humanitarian law and enable an immediate and unhindered access to provide assistance to those in need. The EU reminds all parties to the conflict of their legal obligation to protect all civilians, at all times. It is also crucial that investigations on all reported massacres and atrocities continue.'</p>
13. Syria: Statement by the Spokesperson on the situation in Daraa	04.08.2021	<p>'South-West Syria is seeing the worst and deadliest violence since 2018. Heavy shelling has killed dozens of civilians including women and children and 10,000 people have been displaced. The Daraa National Hospital, serving 50,000 people, was hit by mortars. There is a severe risk of escalation throughout Daraa province and beyond.</p> <p>All parties must as a first priority protect the inhabitants of Daraa and ensure unhindered, safe and sustainable humanitarian access. The European Union joins United Nations Special Envoy for Syria, Geir Pedersen, in his call on all parties in Syria to adhere to the principle of protection of civilians and international humanitarian law and urges all parties to avoid escalation and restore calm.'</p>

Subject	Date	Extract
14. Ukraine: Statement by the Spokesperson on the census and conscription campaign in Crimea	15.10.2021	<p>'The EU condemns the decision of the Russian Federation to conduct a population census in the illegally-annexed Ukrainian territory of Crimea and the city of Sevastopol from 15 October until 14 November, and the launching of yet another conscription campaign on 1 October.</p> <p>These actions are an attempt to legitimise the illegal annexation of Crimea and further undermine the sovereignty and territorial integrity of Ukraine within its internationally recognised borders.</p> <p>The European Union calls on Russia to stop all violations of international law and international humanitarian law on the Crimean peninsula. The European Union will continue to work for a peaceful end of Russia's illegal annexation of the peninsula, as reiterated at the first summit of the International Crimean Platform on 23 August. The European Union will continue to enforce its non-recognition policy.'</p>
15. Syria: Statement by the Spokesperson on the start of the sixth round of talks of the Syria Constitutional Committee in Geneva	18.10.2021	<p>'The EU fully supports the efforts of UN Special Envoy Pedersen to make progress on all elements of the United Nations Security Council Resolution 2254, and reaffirms that any sustainable solution to the conflict in Syria requires a genuine political transition in line with that resolution. The EU also emphasises the particular importance of meaningful progress on the question of detainees.</p> <p>The EU is concerned about a recent increase in violence in Syria, and joins the UN Special Envoy in his call on all parties to adhere to the principle of protection of civilians and international humanitarian law, and to avoid escalation and restore calm.'</p>
16. Syria: Statement by the Spokesperson on the bomb attack in Damascus and shelling in the northwest	21.10.2021	<p>'The EU is concerned about the increasing violence in Syria, as we witnessed on Wednesday in Damascus and in the northwest, where at least 27 people lost their lives in one of the deadliest days in the country in recent times.'</p> <p>'We call on all parties to adhere to the principle of protection of civilians and international humanitarian law, and to avoid escalation and restore calm.'</p>
17. Israel: Statement by the Spokesperson on new settlement expansion	25.10.2021	<p>'On Sunday, the Israeli authorities announced the publication of tenders for the construction of more than 1,300 housing units in Israeli settlements in the occupied Palestinian territory and another tender for the construction of an additional 83 units in Givat Hamatos in East Jerusalem.</p> <p>Settlements are illegal under international law and constitute a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace between the parties. The European Union has consistently made clear that it will not recognise any changes to the pre-1967 borders, including with regard to Jerusalem, other than those agreed by both sides.'</p>

Subject	Date	Extract
18. Israel: Statement by the Spokesperson on further settlement expansion	29.10.2021	<p data-bbox="651 219 1433 407">'On Wednesday, the Israeli authorities announced the publication of tenders for the construction of more than 2,860 housing units in 30 Israeli settlements, including some deep inside the West Bank. This follows the announcement on Sunday of tenders published for the construction of more than 1,300 housing units in Israeli settlements, as well as in Givat Hamatos, in occupied East Jerusalem.</p> <p data-bbox="651 434 1433 622">Settlements are illegal under international law and constitute a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace between the parties. The European Union has consistently made clear that it is strongly opposed to the expansion of settlements and will not recognise any changes to the pre-1967 borders, including with regard to Jerusalem, other than those agreed by the parties.'</p>
19. Afghanistan: Statement by the Spokesperson on the attack against Kabul military hospital	02.11.2021	<p data-bbox="651 689 1433 779">'A terrorist attack was carried out on Tuesday against the Sardar Mohammad Daud Khan military hospital in Kabul, resulting in at least 25 dead and many wounded inside the hospital.</p> <p data-bbox="651 806 1433 900">Attacking a hospital is illegal under international law, goes against fundamental human rights and is a grave breach of Islamic values. The perpetrators of this despicable crime must be brought to justice.'</p>
20. Yemen: Statement by the Spokesperson on the latest escalation of violence and cross-border attacks on Saudi Arabia	07.12.2021	<p data-bbox="651 967 1433 1160">'The Yemen conflict is seeing yet another worrying military escalation. The European Union condemns the recurrent cross-border attacks by Houthi forces on Saudi Arabia, most recently with a ballistic missile targeting Riyadh on Monday. The ongoing fighting must stop, notably attacks that put at risk lives of civilians and critical infrastructure providing a lifeline to the people in the country.'</p>

iv. Statements by the HR and/or the Commission

Subject	Date	Extract
1. Commissioner for Crisis Management in Kabul: EU steps up humanitarian assistance with €32 million	04.02.2021	Excerpt from the Commissioner's quote: 'Moreover the protection of civilians, of education facilities, of hospitals and humanitarian missions cannot wait till the end of the peace negotiations. For them to conclude successfully, respect of International Humanitarian Law to safeguard lives is an essential prerequisite for a lasting peace and sustainable future of the country.'
2. Ethiopia: Joint Statement by High Representative/ Vice-President Josep Borrell, Commissioner Jutta Urpilainen and Commissioner Janez Lenarčič	08.02.2021	<p>'The EU remains very concerned by the tragic humanitarian crisis unfolding in Tigray and its regional implications. Three months into the conflict, despite small openings, the limitations to humanitarian access to Tigray continue to prevent the provision of humanitarian assistance to address the immensity of needs, avert the risk of famine and prevent further loss of life. Central and Western Tigray remain largely out of reach and two Eritrean refugee camps remain completely inaccessible.</p> <p>Humanitarian access needs to be guaranteed and humanitarian assistance allowed to reach all affected areas and people in Tigray, and border areas of Afar and Amhara regions, in line with the humanitarian principles of impartiality, humanity, neutrality and independence.</p> <p>The EU is also increasingly concerned for the protection of civilians and refugees in Ethiopia, with reports of casualties and serious human rights, international refugee law and international humanitarian law violations. Effective protection of refugees from harm in accordance with international refugee, human rights and humanitarian law, including preventing any act of refoulement or coerced return targeting Eritrean refugees needs to be ensured.'</p>
3. Tigray conflict: Joint Statement by HR/VP Borrell and Commissioner Lenarčič on massacres in Axum	26.02.2021	'Amnesty International issued a report today on atrocities that took place in Axum, Ethiopia, in November 2020. The report concludes that indiscriminate shelling and mass execution may amount to war crimes and crimes against humanity. This is another harrowing reminder of the violence that civilians in Tigray have been suffering since the onset of the conflict. We condemn, in the strongest possible terms, all crimes against civilians and call for the perpetrators to be swiftly brought to justice. We recall the obligation under International Humanitarian Law for all parties to ensure the protection of all civilians, including refugees and those internally displaced.'
4. Yemen: €95 million in EU humanitarian aid for people threatened by conflict and famine – statement by Commissioner Janez Lenarčič	01.03.2021	Excerpt from the Commissioner's quote: 'Parties to the conflict need to facilitate the access of humanitarian organisations to those most in need and avoid further civilian suffering. Now more than ever it is crucial that International Humanitarian Law and unrestricted access to those in need are upheld.'

Subject	Date	Extract
<p>5. Remarks by Commissioner Janez Lenarčič about the Commission's new outlook for the EU's global humanitarian action in the context of the COVID-19 pandemic</p>	<p>10.03.2021</p>	<p>Excerpt from the Commissioner's speech: 'Direct and often deliberate attacks by belligerents against civilians, hospitals and schools in violation of International Humanitarian Law are increasing. [...] Fourthly, by championing respect for International humanitarian law.</p> <p>Respect for International Humanitarian Law as such is crucial in any conflict. It is also crucial for allowing a principled humanitarian action. Today we are seeing it recurrently under threat in many conflicts.</p> <p>We are therefore putting compliance with International Humanitarian Law at the heart of EU's external action.'</p>
<p>6. Statement by Commissioner for Crisis Management Janez Lenarčič on the attacks against Damasak, Northeast Nigeria</p>	<p>15.04.2021</p>	<p>Excerpt from the Commissioner's quote: 'The EU strongly condemns such attacks and calls on all parties to respect International Humanitarian Law and to safeguard human rights. All parties should allow people caught in violence to move freely to safe places and should facilitate unimpeded passage of humanitarian relief for civilians in need.'</p>
<p>7. EU allocates an additional €9 million to support the most vulnerable in Myanmar following the coup d'état – statement by Commissioner Janez Lenarčič</p>	<p>16.04.2021</p>	<p>Excerpt from the Commissioner's quote: 'The violent military junta that has overthrown the legitimate government in Myanmar has been merciless in killing innocent civilians, in egregious violations of International Humanitarian Law that exacerbates the already dire humanitarian crisis faced by displaced and conflict-affected populations.'</p>
<p>8. EU continues to address humanitarian needs in Ethiopia by allocating over €53 million - statement by Commissioner Janez Lenarčič</p>	<p>19.04.2021</p>	<p>Excerpt from the Commissioner's quote: 'The safety and security of humanitarian personnel must be ensured, in accordance with International Humanitarian Law (IHL).'</p>
<p>9. Ethiopia: Statement by High Representative Josep Borrell and Commissioner for Crisis Management Janez Lenarčič on restricted humanitarian access to Tigray</p>	<p>14.05.2021</p>	<p>'The United Nations have confirmed that military forces are impeding humanitarian access to parts of Tigray. The EU has repeatedly called for full humanitarian access to all areas, as well as for the immediate withdrawal of Eritrean troops.'</p> <p>'The use of humanitarian aid as a weapon of war is a grave violation of international humanitarian law and is putting at risk the lives of millions of people. Immediate and full-scale assistance should be provided, in order to avoid starvation. Those responsible for deliberately preventing timely access will be held to account.'</p>

Subject	Date	Extract
<p>10. EU increases humanitarian assistance for Palestine to over €34 million - statement by Commissioner Janez Lenarčič</p>	<p>25.05.2021</p>	<p>Excerpt from the Commissioner's quote: 'The EU insists on respect for international humanitarian law and cannot accept that civilians are displaced by force or that their homes and schools are demolished.'</p>
<p>11. Yemen: EU co-hosts humanitarian community meeting as famine looms in Yemen - statement by Commissioner Janez Lenarčič</p>	<p>01.06.2021</p>	<p>Excerpt from the Commissioner's quote: 'I call on the parties to the conflict to respect International Humanitarian law and allow the delivery of urgently needed aid to the affected population throughout Yemen.'</p>
<p>12. Joint Statement following the roundtable on the humanitarian emergency in Tigray, Ethiopia (Borrell, Lenarčič, Urpilainen)</p>	<p>10.06.2021</p>	<p>'Seven months into the conflict in Ethiopia's Tigray region, human rights atrocities and the full-blown humanitarian crisis are alarming, currently pushing 400,000 innocent people to the brink of famine and loss of life. This must be addressed immediately. We do well to remember the 1980s famine in Ethiopia, which led to an estimated one million deaths, many as a result of food assistance being blocked.'</p> <p>'Using starvation of civilians as a weapon of war is putting at risk the lives of millions. In Resolution 2417 (2018), the UN Security Council strongly condemned the use of starvation of civilians as a method of warfare and urged action against those responsible. The Security Council requested that the Secretary-General report swiftly to the Council when the risk of conflict-induced famine occurs.</p> <p>In addition, we are seeing wide-scale human suffering that is entirely preventable. Systematic violence is being inflicted upon civilians, including widespread sexual violence, and extra-judicial and ethnically-motivated killings. The population's essential livelihood assets and health services are being destroyed.</p> <p>Such methods of warfare are grave violations of international humanitarian law. The independent investigation of human rights violations is of paramount importance.'</p>
<p>13. Ethiopia: Joint statement by the High Representative Borrell and Commissioner Lenarčič on the airstrike in the Tigray region</p>	<p>23.06.2021</p>	<p>'The reports on the bombing of a market place in the village of Edaga Selus near Togoga in the Dogua Tembien District of the Tigray Region on 22 June are extremely worrying. This is yet another attack adding up to the horrific series of International Humanitarian Law and human rights violations, atrocities, ethnic violence, combined with serious allegations of use of starvation and sexual violence as weapons of conflict.</p> <p>The EU strongly condemns the deliberate targeting of civilians. This is not justifiable in any terms and goes against International Humanitarian Law. Those atrocities cannot be justified by using the preservation of the territorial integrity of Ethiopia as an argument.'</p>

Subject	Date	Extract
<p>14. Statement by High Representative/ Vice-President Josep Borrell and Commissioner for Crisis Management Janez Lenarčič, on the killing of three humanitarian workers in Tigray</p>	<p>25.06.2021</p>	<p>'We condemn in the strongest possible terms the killing of three staff members of Médecins Sans Frontières (MSF) in Tigray today, outside Abiy Addi, while delivering aid to those needing it most. We offer our deepest condolences to their loved ones.</p> <p>This atrocity is another horrific example of the escalation of the conflict in Tigray and a flagrant breach of International Humanitarian Law.'</p>
<p>15. BiH: Statement by High Representative Josep Borrell and Commissioner Olivér Várhelyi on the anniversary of the Srebrenica genocide</p>	<p>10.07.2021</p>	<p>'As we commemorate its 26th anniversary, it is our shared duty to forever remember the genocide in Srebrenica. On Sunday, 19 more victims will be laid to rest. We honour their memory, and of all victims and those still missing. We share the grief of their families and of those who survived, whose lives have been impacted forever.</p> <p>Europe has also not forgotten its own responsibility for not being able to prevent the Srebrenica genocide, one of the worst crimes in Europe's modern history.</p> <p>Srebrenica painfully reminds us all of the need to stand up firmly and decisively for peace, human dignity and all the values which underpin our Union. Serving justice and building a better society are the best ways of remembering those who were systematically and deliberately murdered. This is a necessary step to work for a better common future for all Europeans.</p> <p>There can be no impunity. Genocide is genocide, be it in Srebrenica or elsewhere. International courts, domestic courts in Bosnia and Herzegovina and in the neighbouring countries need to continue providing justice for all victims of war crimes, crimes against humanity and genocide, as well as for their family members. Peace can only be built upon justice.'</p>
<p>16. Syria: Statement by High Representative Josep Borrell and Commissioner for Crisis Management Janez Lenarčič on the renewal of cross-border humanitarian deliveries</p>	<p>10.07.2021</p>	<p>'The unanimous adoption of United Nations Security Council Resolution 2585 (2021) on Friday is welcome news. This will allow the UN to use the crossing point of Bab al-Hawa from Turkey to Syria for an initial six months, to be followed by further six months subject to a report by the UN Secretary-General. It means a considerable relief for millions of Syrians who rely on the humanitarian assistance delivered through this mechanism for their survival.</p> <p>The renewal of the UNSC Resolution on cross-border assistance is vital since there is no adequate alternative to meet the growing humanitarian needs in Syria.</p> <p>The EU will continue to advocate for all parties to depoliticise the delivery of humanitarian aid, which should continue to be needs-based and people-centred, and will continue to do its utmost to provide assistance to those in need inside Syria based on the humanitarian principles. This includes the use of all assistance modalities, including across the border as well as cross-line from Damascus.'</p>

Subject	Date	Extract
<p>17. Afghanistan: Joint statement by the High Representative Borrell and Commissioner Lenarčič on the escalation of violence</p>	<p>05.08.2021</p>	<p>'The European Union condemns the significant escalation of violence across Afghanistan caused by the intensified attacks of the Taliban, in particular the armed attack on the UNAMA office in Herat province, the attack and subsequent fighting in Lashkar Gah having caused at least 40 civilian casualties, and the most recent attack targeting the Kabul residence of Defence Minister Bismillah Mohammadi which killed eight and wounded at least 20 people. The EU calls for an urgent, comprehensive and permanent ceasefire to give peace a chance.'</p> <p>'Violations of principles of International Humanitarian Law (IHL) and human rights continue to rock the country, in particular in Taliban-controlled areas, such as arbitrary and extra-judicial killings of civilians, public lashing of women and the destruction of infrastructure. Some of these acts could amount to war crimes and will have to be investigated. Those Taliban fighters or commanders responsible must be held accountable.'</p>
<p>18. Statement by the High Representative/ Vice-President Josep Borrell and Commissioner Janez Lenarčič on World Humanitarian Day 2021</p>	<p>18.08.2021</p>	<p>'Ahead of the World Humanitarian Day 2021, we honour all humanitarian workers who are saving lives and helping the most vulnerable in crises worldwide.</p> <p>The selfless commitment and efforts of humanitarian and medical workers that strive every day, often in harsh conditions, to alleviate the suffering of millions in need, has been all the more remarkable since the start of the coronavirus pandemic. The virus is not, however, the worst threat they face. Regrettably, 108 humanitarian workers lost their lives and 125 were kidnapped in 2020. In 2021, there have been 105 major attacks against humanitarian workers so far.</p> <p>We condemn such attacks, their perpetrators need to be held accountable. Saving lives should never cost lives - humanitarian workers cannot be a target. We salute their courage and dedication and express our sympathy to the families, friends and colleagues of those who have lost their lives while helping others.</p> <p>We reiterate our call on all parties to all conflicts worldwide to respect International Humanitarian Law and refrain from targeting humanitarian workers and civilians, including civilian infrastructure. We also underline the importance of fully respecting and adhering to the internationally recognised humanitarian principles.'</p>
<p>19. Statement by Commissioner for Crisis Management Janez Lenarčič on the International Day to Protect Education from Attack</p>	<p>09.09.2021</p>	<p>Excerpt from the Commissioner's statement: 'Attacks on education constitute also violations of International Humanitarian Law, the set of rules seeking to limit the effects of armed conflict. Such violations are multiplying, while their perpetrators are seldom called to account. In this view, we are putting compliance with International Humanitarian Law consistently at the heart of the EU's external action. As one of the largest humanitarian donors, the EU will hence continue to promote and advocate for global respect for International Humanitarian Law, both by states and non-state armed groups during an armed conflict.'</p>

Subject	Date	Extract
<p>20. Afghanistan: EU joining discussions held by the United Nations on the humanitarian situation in the country - statement by Commissioner Janez Lenarčič</p>	<p>13.09.2021</p>	<p>Excerpt from the Commissioner's quote: 'The EU supports all the international community's efforts to continue to stand in solidarity with the people in Afghanistan, suffering from increasing violations of International Humanitarian Law, decades of conflict, and natural disasters. [...] It is the obligation of all warring parties to uphold International Humanitarian Law and grant access to life-saving humanitarian assistance.'</p>
<p>21. Ethiopia: new EU Humanitarian Air Bridge flight reaches Tigray - statement by Commissioner Janez Lenarčič</p>	<p>07.10.2021</p>	<p>Excerpt from the Commissioner's quote: 'We call for the protection of civilians and the respect of International Humanitarian Law.'</p>
<p>22. Syria: €10 million to help vulnerable people in Syria affected by the drought - statement by Commissioner Janez Lenarčič</p>	<p>22.12.2021</p>	<p>Excerpt from the Commissioner's quote: 'The European Union is committed to support people in Syria with humanitarian assistance wherever it is needed and for as long as it is needed, in accordance with humanitarian principles and International Humanitarian Law.'</p>

v. Commissioner tweets on IHL

February 2021

Janez Lenarčič on Twitter:

- "Whilst #AfghanPeaceProcess is ongoing, humanitarian aid is the central way to reach more than half of AF population, some 19 million people. It is paramount that all parties to the conflict facilitate the delivery of emergency relief. Protecting civilians cannot wait for peace."

► <https://t.co/ISuCP93DCe>

- "I have concluded my visit to Kabul, #Afghanistan which is at a turning point in history. It stands a chance to end long decades of deadly conflict but only if peace and the interests of the Afghan people are put at the centre of everyone's efforts. #AfghanPeaceProcess AFEU"

► <https://t.co/76Sb69fEvc>

March 2021

Janez Lenarčič on Twitter:

- "Entering the 7th year of conflict, Yemen remains the world's largest humanitarian crisis. The EU stands in solidarity with the Yemeni people, urging all parties to agree on a ceasefire, ensure unrestricted humanitarian access and allow imports of basic commodities. #YemenCantWait"

► <https://t.co/lhAjIPxFnf>

- "Today is International #WomensDay. 📅 A day to remember the most vulnerable women and girls living in crisis and at risk of gender-based violence. 📅 A day to continue working to protect them. 📅 A day to #EndRapeInWar and elsewhere. #IWD2021 #Iwd"

► <https://t.co/Buex0UwnnY>

April 2021

Janez Lenarčič on Twitter:

- "I am horrified by the continuous reporting of ongoing sexual violence in ET's #Tigray region. We support the statements by the Gender-Based Violence Area of Responsibility + the Call to Action on Protection from #GBV. I urge the parties to the conflict to protect civilians."

► [/ Twitter](#)

- "Humanitarian aid is facing an increasingly dangerous environment around the 🌐. Basic IHL principles are challenged as rarely before, also in #SouthSudan. With our

renewed EU humanitarian action outlook we are putting compliance with IHL at the centre of EU's external action."

► <https://t.co/GXcS6tnWhH>

- "While in #Ethiopia today, I met with the ET DPM @ DemekeHasen and ■ conveyed my grave concern over critical humanitarian situation in #Tigray & urged further improvements of the humanitarian access; ■ urged the withdrawal of the ER troops; ■ called for cessation of hostilities."

► <https://t.co/2xb46yKUEz>

- "We are announcing new funding of more than €53 million for most vulnerable in #Ethiopia. Tomorrow I will meet w/ the ET authorities in Addis Ababa. Our key priority remains to ensure humanitarian access to everyone affected by the conflict in #Tigray. More on the EU funding [↓]"

► <https://t.co/btMod56JdG>

- "The EU strongly condemns the recurrent violent attacks against the people of #DamasakNG: 📉 The life & security of civilians is in danger 📉 Humanitarian premises have been destroyed 📉 Humanitarian workers are targeted Read my full statement: <https://t.co/CbWM9EB71b> #NotATarget"

► <https://t.co/dTUMJ1f9I5>

- "At the same time, basic norms and principles of humanitarian action are being challenged as rarely before. In many places around the 🌐, we are witnessing numerous violations of IHL, further worsened by multiple impediments to the delivery of humanitarian aid. #NotATarget"

► [/ Twitter](#)

- "[2] Addressing education needs is more important than ever to build a future for #Syrians and in particular the future generation. We should also never forget: the protection of civilians, including of humanitarian workers, and of civilian infrastructure is an obligation under IHL."

► <https://t.co/cnWmCdHf57>

May 2021

Janez Lenarčič on Twitter:

- "We must champion full respect of International Humanitarian Law. IHL violations constitute one of the most critical challenges for the protection of civilians in today's conflicts and heavily impact our efforts to meet the humanitarian needs. #NotATarget"

► <https://t.co/HjGvZNQd8E>

- "Among others, we must improve our monitoring system of IHL violations and strengthen the evidence base on violence against healthcare and medical personnel. #NotATarget #POCWEEK2021"

▶ [/ Twitter](#)

- "The EU has done a lot to support health facilities & medical personnel in conflict-affected settings. We will continue doing so. But to prevent and counter further attacks, we need to act stronger and jointly: states, partners, donors; globally & nationally; regionally & locally."

▶ <https://t.co/7f3QDyc3Vo>

- "We must continue to integrate the protection of medical workers into humanitarian initiatives. We need to ensure the continuity of care in high-risk contexts and assist front line workers in the short-term, while helping to build resilient systems in the long-term. #NotATarget"

▶ [/ Twitter](#)

- "We must reinforce and strengthen all measures that support the implementation of the UN's Security Council Resolution on healthcare in armed conflicts and implement the recommendations of the Secretary General."

▶ <https://t.co/uAyEHVP9kw>

- "Insightful discussion with the US special envoy for the Horn of Africa Feltman after his visit to the region, especially on #Tigray. We share the concerns on the dramatic developments on the ground. Full and unimpeded humanitarian access is key, with full adherence to IHL."

▶ <https://t.co/CSMfRndCQV>

- "Today, the EU has increased its humanitarian assistance to the most vulnerable people in #Palestine by €8 million. Following the announcement of a ceasefire, urgent humanitarian access is now vital, to relieve the suffering of the many innocent victims. 🙏"

▶ <https://t.co/Ws7kIBBa9>

- "#Gaza: After 11 days of conflict, I welcome this morning's ceasefire announcement. Urgent humanitarian access is now vital to relieve the suffering of the many innocent victims. All parties need to work together on humanitarian access to Gaza and the delivery of vital assistance."

▶ [/ Twitter](#)

- "Une discussion très importante avec le député EU @rglucks1, @MdM_France et @UOSSM sur l'aggravation de la situation humanitaire en #Syrie. L'accès humanitaire, la protection des civils et des infrastructures civiles restent notre priorité absolue."

▶ <https://t.co/8To7ZC7z6D>

- "I share the grief at the loss of innocent lives, including those of children who took part in the @NRC_MiddleEast

programme funded by EU humanitarian aid. This tragedy must stop. I call for immediate ceasefire. #Gaza #Palestine #Israel"

▶ [/ Twitter](#)

- "The mounting death toll, which also includes children, is totally unacceptable. Immediate ceasefire is the only way to stop this tragedy escalating further. #Israel #Palestine"

▶ [/ Twitter](#)

- "#Tigray: The use of humanitarian aid as a weapon of war is a grave violation of IHL and is putting at risk the lives of millions of people. Immediate and full-scale assistance should be provided. My joint statement with HR/VP @JosepBorrellFin full 📄"

▶ <https://t.co/lD9jNmYzGe>

- "I condemn the recent attacks against aid workers in #SouthSudan, which have endangered the delivery of aid to the most vulnerable. Humanitarian workers are #NotATarget!"

▶ [/ Twitter](#)

- "🙏 After 6 months of conflict in #Tigray, over 1 million people have been displaced; thousands have been facing sexual and gender-based violence. Meeting basic needs and providing protection are a priority. All civilians in Tigray must be able to access humanitarian aid."

▶ <https://t.co/zUJpBN2agj>

- "Health care workers helping war-affected people must be allowed full access and to work in safety. On the 5th anniversary of #UNSC Res 2286 on the protection of health care personnel in armed conflicts the EU urges for all parties to observe the Resolution and #IHL obligations."

▶ <https://t.co/BaRHZeLuOn>

June 2021

Janez Lenarčič on Twitter:

- "When a conflict is raging, the killings of those who are risking their lives to deliver aid to people who need it most cannot be justified with anything, ever. My statement w/ @JosepBorrellF on yet another tragic day for humanity: <https://t.co/FobvIamQWI> #NotATarget #Tigray"

▶ [/ Twitter](#)

- "Our condolences to the families of the three devoted @MSF humanitarian workers. We reiterate the urgent call for an immediate ceasefire in #Tigray & unrestricted humanitarian access to all those affected, and recall most strongly that civilians & relief workers are #NotATarget."

▶ [/ Twitter](#)

- **"#Tigray:** The EU strongly condemns the latest deliberate targeting of civilians. This is not justifiable in any terms. It is time for the international community to wake up and take action. Statement with @JosepBorrellF in full"

► <https://t.co/ltEDUbl244>

- **"#CalltoActionGBV:** The time is NOW to #EndRapeInWar. On the occasion of the International Day for the Elimination of Sexual Violence in Conflict, we join our partners in calling for an end to gender-based violence. @UN_Women"

► <https://t.co/4sty5lKoA1>

- "I most strongly condemn the most recent attack on health workers in #Afghanistan who were performing their life-saving work by vaccinating children against polio. Health workers are impartially delivering health care. #NotATarget @EUinAfghanistan @eu_echo"

► [/ Twitter](#)

- "Very important exchange with the President of the @ICRC @PMaurerICRC on our shared commitment to strengthen the respect and promotion of International Humanitarian Law around the globe."

► <https://t.co/RdBARuhtV5>

- "Thank you @USAID for co-hosting this urgent debate on the humanitarian emergency in #Tigray. To avert a full blown famine and save lives, rapid action is needed by the entire international community to bolster humanitarian support. Full joint statement"

► <https://t.co/3lLW08CX7u>

- "⚠️ Famine has already started in #Tigray, according to @theIPCinfo. To prevent the worst in Tigray, I once again urge all parties to the conflict to: ■end hostilities; ■enable unfettered humanitarian access to all parts of the region; ■respect IHL and protect civilians."

► [/ Twitter](#)

- "⚠️#Tigray: To avoid a humanitarian catastrophe, the entire international community must act. Directly and indirectly. Quickly and robustly!"

► <https://t.co/B8lX0aE3Wh>

- "7 months into the conflict in #Tigray, grave human rights & international humanitarian law violations continue. Over 5 million people require urgent humanitarian aid. Immediate action is needed to protect and save lives of civilians. Tomorrow LIVE <https://t.co/BCui8GnyYz>"

► <https://t.co/6ZXfqSaur1>

- The EU condemns in the strongest terms the massacres of civilians committed in recent days in the Democratic

Republic of Congo. #DRC #RDC Our statement with @JosepBorrellF in full"

► [/ Twitter](#)

- "I most strongly condemn the killing of @CISPorg humanitarian colleague in #Tigray providing lifesaving assistance to the people affected by the conflict. I recall the obligation under IHL for all parties to ensure the protection of civilians, including humanitarians. #NotATarget"

► [/ Twitter](#)

- "However, a sustainable solution in Yemen requires an urgent, nationwide ceasefire & a comprehensive peace agreement. I call on the parties to the conflict to respect #IHL & allow the delivery of urgently needed aid to the affected population throughout the country. #YemenCantWait"

► <https://t.co/qUJbkKT7Bw>

July 2021

Janez Lenarčič on Twitter:

- "#WestBank: I am deeply concerned about recent increase in demolitions by Israeli forces in Area C and in displacement of #Palestinians affected by demolitions and confiscations."

► [/ Twitter](#)

- "With fighting still ongoing in western #Tigray, I urge parties to the conflict to abide by their obligations under International Humanitarian Law & to protect civilians, including Eritrean refugees, caught up in the hostilities. Violence against civilians must stop immediately."

► [/ Twitter](#)

- "During today's #FAC discussion about the crisis in #Tigray, which, once again, has been cut off from the external world, I outlined two most urgent priorities for the EU: [1] ensuring access for urgently needed humanitarian aid; [2] protect civilians caught in the conflict."

► <https://t.co/q9Vjja2Jff>

- "In spite of the recent unilateral ceasefire by ET authorities, #Tigray once again has been cut from the external world. Humanitarians are prevented from entering the region to deliver much-needed assistance. The voices of millions are being silenced."

► <https://t.co/Vviw84FHjH>

- "⚠️This is a siege and starvation is used as a weapon of war in #Tigray. To avert the loss of thousands of lives, humanitarian aid must be delivered NOW. To this end at the next FAC, together w/ @JosepBorrellF & @JuttaUrpilainen, I will appeal to MS for a concerted response."

► [/ Twitter](#)

- "I am calling for immediate and unhampered humanitarian access to civilians in need in all areas affected by the #Tigray conflict. I urge the parties to the conflict to spare vital civilian infrastructure as to allow humanitarian workers to provide life-saving aid."

► [/ Twitter](#)

August 2021

Janez Lenarčič on Twitter:

- "I am encouraged to see the first cross-line convoy to bring humanitarian aid to Northwest #Syria. All modalities need to be used to deliver assistance to people in need, in accordance with the humanitarian principles. #IHL"
- [/ Twitter](#)
- "Today and every day we honour those who continue with their lifesaving work against all odds. On the #WorldHumanitarianDay we raise awareness about their invaluable role in delivering aid to people in need. They can not be a target."
- <https://t.co/wvavWSBSWo>
- "Today we honour all humanitarian workers who are saving lives and helping the most vulnerable in crises 🌍 wide, a lot of times at great personal risk. Saving lives should never cost lives - humanitarian workers are #NotATarget. #WorldHumanitarianDay <https://t.co/FphSekaXpy>"
- <https://t.co/hksNxToCYm>
- "I urge the Taliban for immediate and unimpeded access to most vulnerable, of which almost 90% women. The huge humanitarian needs have further increased due to recent fighting. @eu_echo has been providing assistance for #Afghan people for years and will do so as long as needed."
- <https://t.co/7dKuczJdPG>
- "The EU fully supports @UNEnvoySyria's actions. International humanitarian law must be respected by all parties to the conflict in Syria. Civilians must be protected and humanitarian access guaranteed. #IHL #NotATarget"
- [/ Twitter](#)
- "Je condamne les attaques des groupes armés qui ont assassiné 50+ habitants de Ouatagouna au #Mali. Cette violence contre des civils est une grave atteinte au droit international humanitaire et doit cesser immédiatement."
- [/ Twitter](#)
- "#Afghanistan: The EU calls for an urgent, comprehensive & permanent ceasefire. This senseless violence is inflicting immense suffering upon Afghans and is increasing the

number of internally displaced persons. Joint statement w/ [@JosepBorrell](#)

► <https://t.co/NWKFGit4qb>

September 2021

Janez Lenarčič on Twitter:

- "I strongly condemn last night's tragic killing of #Rohingya human rights activist Mohib Ullah in #Bangladesh Cox Bazaar. He was a genuine advocate for the respect of Rohingya's identity and rights. The protection and safety of all Rohingyas remains our top priority."
- [/ Twitter](#)
- "A timely meeting with @Bankole_Adeoye today in Brussels, focused on ways to intensify the cooperation between the EU and @AfricanUnion, especially in advocating for IHL. In this respect, we have addressed key African crises ranging from Ethiopia, Nigeria to the Sahel region."
- <https://t.co/2Ne2SLKBzf>
- "#UNGA: For our humanitarian efforts to succeed, for our words to count and be firm, we also need to improve monitoring and reporting on violations of International Humanitarian Law #IHL is not an option, it is an obligation."
- [/ Twitter](#)
- "#UNGA: Today's wars are increasingly complex, while the institutions at the heart of our multilateral system continue to be challenged as rarely before. Ensuring respect of #IHL could not be more important. To protect human dignity of every civilian caught up in conflict."
- <https://t.co/JUXgsEctvh>
- "I stand with @UNRWA in condemning the recent incidents of armed fighters entering schools in Lebanon causing damages and civilian injuries. We must #ProtectEducationFromAttack. Palestinian refugees' protection and security should be safeguarded at all times. #NotATarget"
- [/ Twitter](#)
- "I reiterate, in the strongest possible terms, that humanitarians are #NotATarget and #IHL must be respected everywhere! The latest attack in #SouthSudan, resulting in the death of one @WFP driver, reminds us of the need to press for respect of #IHL. Aid workers are #NotATarget!"
- [/ Twitter](#)
- "The intensified bombardment in southern Idlib in #Syria clearly leads to continuous displacement and even more

civilian casualties. This must stop. Civilians must be protected. #IHL #NotATarget"

► [/ Twitter](#)

- "⚠️ Attacks on schools, students and teachers are increasing! On the #ProtectEducationFromAttack day, the EU reaffirms its commitment to promote & protect the right of every child to grow in a safe environment and access quality education. My statement ↪️ <https://t.co/CjA0YCKmY6>"

► <https://t.co/mpDdp0CnW4>

- "Devastating news that 11 additional aid workers have been killed in #Tigray. The total number of humanitarians killed in Ethiopia since the start of the Tigray conflict has risen to 23. Humanitarians save lives, they are #NotATarget."

► <https://t.co/PuQ5r0x65m>

October 2021

Janez Lenarčič on Twitter:

- "🙏 I most strongly condemn the latest attacks in #Myanmar, including on civilians and humanitarian organisations. These are violations of #IHL. I urge the responsible ones to refrain from further violence which only deepens the grave humanitarian crisis."

► <https://t.co/nPj49rhl0Y>

- "I strongly condemn attack on Al-Abdiya district Hospital in #Marib, Yemen, the only major facility providing care to victims of the conflict in the area. This was a grave violation of IHL! I urge parties to the conflict to refrain from targeting civilians & medical infrastructure."

► [/ Twitter](#)

- "In view of the latest reports about new fighting and attacks in northern #Ethiopia I urge parties to protect all civilians as is their obligation under International Humanitarian Law and cease hostilities immediately. #Tigray"

► <https://t.co/syZaEocn1v>

- "Violations of International Humanitarian Law have increased significantly in the past decade. Glad that there was a meeting of minds with @genevacall's @DeleetrozAlain today in Brussels on vital importance of effective dissemination of #IHL in all conflicts."

► <https://t.co/s3NB5WG6Re>

November 2021

Janez Lenarčič on Twitter:

- "Indeed, respect of #IHL is an obligation of all! The humanitarian situation in #Sahel is dire. Together we must do better, more & fast. Only by addressing the deep-rooted causes can we succeed in providing a better life to the people caught in the crises afflicting the region."

► [/ Twitter](#)

- "I condemn the actions by #Belarus which cause unnecessary human suffering. At the same time I urge the authorities on both side of the border to allow access of humanitarian organizations to these people so they can provide lifesaving assistance to them."

► [/ Twitter](#)

- "I firmly condemn the latest wave of violence in Tillaberi, #Niger, which resulted in more than 60 people dead. Increasing reliance on self-defence groups is not a solution. All parties must respect #IHL, including preserving the work of humanitarians."

► <https://t.co/GNqTpoTbmh>

- "🙏 One year into #Tigray crisis IMMEDIATE ACTION IS NEEDED to ensure full and continuous access of humanitarian aid into all territories with people in need of aid. ALL PARTIES MUST RESPECT #IHL, including protection of civilians & humanitarian workers. ↪️"

► <https://t.co/j0Lxv8ProP>

December 2021

Janez Lenarčič on Twitter:

- "I condemn in the strongest terms the attack in Kayah State in Eastern #Myanmar, killing at least 38 people, including women and children. International Humanitarian Law must be respected by everyone. #NotATarget"

► [/ Twitter](#)

- "While noting the @UN_HRC debate on the grave HR situation in #Ethiopia, I urge all parties to the conflict to immediately: **1** end the violence **2** do everything to protect civilians **3** ensure full humanitarian access. After 13 months, human suffering is being driven beyond words."

► [/ Twitter](#)

- "In particular, we urgently need to address the issues of:
◆ broadening the resource base
◆ strengthening compliance with IHL
◆ more flexible humanitarian funding
◆ enhancing disaster preparedness in view of climate crisis
◆ preventing & mitigating gender-based violence."

► [/ Twitter](#)

- *"J'ai rappelé les principes de neutralité, d'impartialité et d'indépendance qui gouvernent notre action et l'importance que l'UE accorde au respect du droit international humanitaire et à la coordination civilo-militaire. EU 🤝 CF"*

▶ [/Twitter](#)

- *"Je me félicite des efforts du PR en faveur de l'espace humanitaire et de la protection des civils et j'appelle toutes les parties au conflit et les forces impliquées au respect strict du Droit intl. humanitaire. Il en va de la survie des populations et de la stabilité de la #RCA."*

▶ [Twitter](#)

- *"Horrorified by the inhuman attack in #Bandiagara that resulted to the deaths of more than 30 civilians. My deepest condolences for the families' loss. I wish a speedy recovery to those injured. We stand in solidarity with the people of #Mali. The violation of #IHL must stop🇺🇦"*

▶ [/Twitter](#)

- *"🇺🇦 The dignity and safety of all persons, especially the most vulnerable, need to be ensured and protected at all times. Humanitarian partners need full access to people in need, wherever they are. EU 🤝 🌍"*

▶ [/Twitter](#)

vi. Resolutions of the European Parliament

Subject	Date	Excerpt
1. European Parliament resolution on artificial intelligence: questions of interpretation and application of international law	20.01.2021	<p>4. Considers that the respect for international public law, in particular humanitarian law, which applies unequivocally to all weapons systems and their operators, is a fundamental requirement with which Member States must comply, especially when protecting the civilian population or taking precautionary measures in the event of an attack such as military aggression or cyberwarfare;</p> <p>[...]</p> <p>15. Stresses the importance, in a hyper-connected world, of European Union involvement in the creation of an international legal framework for the use of artificial intelligence: urges the EU to take the lead and assume, with the United Nations and the international community, an active role in promoting this global framework governing the use of AI for military and other purposes, ensuring that this use remains within the strict limits set by international law and international humanitarian law, in particular the Geneva Conventions of 12 August 1949; stresses that this framework must never breach, or permit breaches of, the dictates of public conscience and humanity as stated in the Martens clause, and be in line with safety rules and consumer protection requirements; urges the EU and the Member States to define robust surveillance and evaluation systems for the development of AI technologies, particularly those used for military purposes in authoritarian states;</p> <p>[...]</p> <p>30. Emphasises that the AI used in a military context must meet a minimum set of requirements, namely it should be able to distinguish between combatants, non-combatants, and combatants on the battlefield, recognise when a combatant surrenders or is hors de combat, not have indiscriminate effects, not cause unnecessary human suffering, not be biased or trained on intentionally incomplete data, and comply with the principles of international humanitarian law, proportionality in the use of force and precaution before intervention;</p>

Subject	Date	Excerpt
<p>2. European Parliament resolution on human rights and democracy in the world and the European Union's policy on the matter</p>	<p>20.01.2021</p>	<p>20. Is seriously concerned at the persistence of the scourge of wars and military conflicts, and of protracted occupation or annexation of territories, which give rise to grave violations of international humanitarian law and human rights, in particular genocides, mass killings, forced displacements of civilian populations, including religious minorities, and sexual violence, in particular against women and children; strongly condemns the engagement of dictatorial or authoritarian powers in proxy wars and stresses that negotiated political solutions are a prerequisite for sustainable peace; expresses deep concerns at heightened international political tensions, and in certain regions of the world, at the increased activity of non-state armed groups and terrorist organisations, and the development of communal violence;</p> <p>[...]</p> <p>53. Underlines the complexity of modern conflicts, which often develop domestically at national or regional level, sometimes in the form of hybrid or cyber-attacks, involve many parties, including terrorist organisations and non-state actors, and have disastrous humanitarian consequences, in particular because of the difficulty in distinguishing between combatants and non-combatants; calls for the EU to strengthen its response to conflicts, addressing their root causes, investing in conflict prevention and mediation efforts, seeking and maintaining space for political solutions, creating alliances with like-minded countries and regional organisations, providing further financial and technical support and personnel to peacekeeping civilian missions and military operations missions, and promoting trust-building initiatives between belligerents; also calls for the EU to ensure the integration of a gender perspective throughout these efforts, increasing the role of women and young people in conflict prevention and resolution, as well as in peacekeeping, humanitarian aid and post-conflict reconstruction operations, transitional justice and the promotion of human rights and democratic reforms; also calls for the EU to address trafficking and sexual and gender-based violence, and ensure sustained access to essential and life-saving health services; insists on the importance of ensuring the coherence of EU policy in relation to situations of occupation or annexation of territory; recalls that international humanitarian law should guide EU policy in relation to all such situations, including in cases of protracted occupation;</p>

Subject	Date	Excerpt
3. European Parliament resolution on the humanitarian and political situation in Yemen	11.02.2021	<p>Q. whereas Parliament has repeatedly called for an EU-wide ban on the export, sale, update and maintenance of any form of security equipment to members of the Saudi-led coalition, including Saudi Arabia and the UAE, in view of the serious breaches of international humanitarian and human rights law committed in Yemen</p> <p>[...]</p> <p>7. Calls on all parties to the conflict to comply with their obligations under international humanitarian law and to end any measures that exacerbate the current humanitarian crisis; calls for the EU and its Member States to condemn in the strongest terms the gross violations of international humanitarian law perpetrated by all parties to the conflict since late 2014, including the Saudi-led coalition's airstrikes that have caused thousands of civilian casualties, exacerbated the country's instability and targeted non-military objects, such as schools, water cisterns and weddings, and to condemn the Houthi attacks on Saudi Arabian targets in the Yemeni territory</p> <p>8. Calls on Saudi Arabia to immediately stop its blockade of ships carrying fuel destined for Houthi-controlled territories; reiterates that all parties must urgently refrain from using the starving of civilians as a method of warfare, as this constitutes a breach of international humanitarian law in accordance with Article 8(2)(b)(xxv) of the Rome Statute of the International Criminal Court; stresses the importance of finding an agreement between both parties in the North and South on the use of fuel in order to alleviate the economic, agricultural, water, medical, energy and transport crisis, which has been amplified by the use of fuel as a weapon of economic warfare;</p>
4. European Parliament resolution on the Syrian conflict – 10 years after the uprising	11.03.2021	<p>6. Strongly condemns all atrocities and violations of human rights and international humanitarian law, in particular by the Assad Regime, but also by Russian, Iranian and Turkish actors and calls on Russia, Iran and Hezbollah to withdraw all forces and proxies under their command, except for those participating in an international peacekeeping or stabilisation force under mandate of the UN Security Council; deplors the role of Russia and Iran in backing the Syrian regime's all-out repression of its civilian population, and their take-over of Syria's political process and economic resources;</p> <p>[...]</p> <p>31. Urges the UNSC to include explicit calls for the protection of health workers in forthcoming UN resolutions and official discussions; calls on EU Member States, in this regard, to offer political backing and operational support to UN-led accountability initiatives and investigations to uphold international humanitarian law;</p>

Subject	Date	Excerpt
<p>5. European Parliament resolution on the situation in Eastern Democratic Republic of Congo and the assassination of the Italian ambassador Luca Attanasio and his entourage</p>	<p>11.03.2021</p>	<p>5. Strongly condemns the serious violations of human rights and humanitarian law committed by local militias in eastern DRC; urges the DRC Government to establish a mechanism for justice and accountability for those responsible for the human rights violations documented in the UN Mapping Exercise Report, as well as for other crimes committed in the DRC that are considered serious under international law and international humanitarian law;</p> <p>[...]</p> <p>7. Is concerned by the persistence of serious human rights abuses and international humanitarian law violations against civilians in eastern DRC, including summary executions, sexual and gender-based violence, and the large-scale recruitment and use of children by armed groups, as well as the killing of civilians by members of the DRC security forces; stresses that these acts could constitute war crimes under international law; deplores the continual threat of violence experienced by the local population, humanitarian and development workers, international organisations, the diplomatic community, and human rights defenders operating in eastern DRC;</p>
<p>6. European Parliament resolution on human rights protection and the EU external migration policy</p>	<p>19.05.2021</p>	<p>22. Calls for a needs-based approach to humanitarian assistance, which should respect humanitarian principles, international human rights law, international humanitarian law, and international refugee law; stresses furthermore that making humanitarian aid and emergency aid conditional on cooperation with the EU on migration is not compatible with humanitarian principles;</p>
<p>7. European Parliament resolution on prisoners of war in the aftermath of the most recent conflict between Armenia and Azerbaijan</p>	<p>20.05.2021</p>	<p>2. Deplores the violence that took place during the most recent war between Armenia and Azerbaijan over Nagorno-Karabakh; expresses solidarity with the victims and their families; deplores the violation of the ceasefire, which led to further human suffering, loss of life and destruction; condemns all attacks targeting civilians and recalls states' obligation under international humanitarian law to protect civilian lives;</p> <p>[...]</p> <p>7. Calls on the Azerbaijani authorities to ensure that those still in custody are provided with all protections required under international human rights and humanitarian law, including freedom from torture and inhuman treatment; calls on the Armenian and Azerbaijani authorities to conduct independent, prompt, public and effective investigations and prosecute all credible allegations of grave breaches of the Geneva Conventions and other violations of international law and war crimes, in order to ensure accountability of those responsible and redress for the victims, possibly with the assistance of an international dedicated mission; calls on the Government of Azerbaijan to fully cooperate with the ECtHR to investigate the validity of reports of dehumanising treatment of Armenian prisoners and to hold those responsible to account;</p>

Subject	Date	Excerpt
8. European Parliament resolution on the situation in Afghanistan	10.06.2021	<p>3. expresses concern about the fragility and instability of the Afghan Government and its lack of control over much of the country, which exacerbates the impact of the violence on the civilian population; calls on the Taliban to immediately cease their attacks against civilians and the national forces, and to fully respect international humanitarian law; expresses its deepest condolences and support to the victims of terror attacks and their families;</p> <p>[...]</p> <p>14. Calls for a credible and transparent investigation under UN auspices into the recent attack which targeted a girls' school killing 85 people, mostly girls between the age of 11 and 17 and the attack on 12 May 2020 on the maternity wing of the Dasht-e Barchi hospital in Kabul supported by Médecins Sans Frontières; invites the EEAS, Commission and Member States to consider urging the UN Human Rights Council to establish a commission of inquiry into serious violations of international humanitarian law in Afghanistan;</p>
9. European Parliament resolution on the humanitarian situation in Tigray	07.10.2021	<p>4. Condemns the killing of civilians, refugees, and humanitarian and medical workers; calls on forces on all sides to respect international human rights and international humanitarian and refugee law and to ensure the protection of people in the affected areas; calls for accountability for crimes committed during the ongoing conflict and for those responsible to be found and brought to justice; calls for those suspected of committing rape or sexual slavery to be investigated for such war crimes and crimes against humanity as rape, sexual slavery, torture and persecution;</p> <p>[...]</p> <p>19. Regrets that the UN Security Council has so far not addressed the situation in Tigray; urges the EU and its Member States to press the UN Security Council to hold regular public meetings on Tigray and to take decisive action to ensure unhindered humanitarian access, to safeguard the protection of civilians, to end grave violations of international law, and to ensure accountability for the atrocities; calls on the UN Security Council to consider deploying UN peacekeepers to the region;</p>
10. European Parliament resolution on the human rights situation in Myanmar, including the situation of religious and ethnic groups	07.10.2021	<p>8. Is appalled by the Tatmadaw's crimes against ethnic and religious groups in Myanmar; strongly condemns the attacks by the Tatmadaw in the states of Kayah, Kayah, Kachin, Shan and Chin, which have led to large-scale displacement, the death of civilians, including children, the destruction of religious buildings, and other violations of human rights and humanitarian law;</p>
11. European Parliament resolution on the situation in Somalia	25.11.2021	<p>9. (...) calls on the Federal Government of Somalia, AMISOM and allied forces to ensure that their military campaigns against Al-Shabaab are carried out in strict adherence to international humanitarian law and international human rights law;</p>

Subject	Date	Excerpt
<p>12. European Parliament resolution on the human rights violations by private military and security companies, particularly the Wagner Group</p>	<p>25.11.2021</p>	<p>1. Expresses its gravest concern about the wide range of violations of human rights and international humanitarian law that continue to be reported in relation to the ever-increasing activities of PMSCs and for which, for the most part, no one has yet been held to account;</p> <p>[...]</p> <p>3. Calls on the Russian authorities to enforce the Russian Criminal Code, notably Article 359 prohibiting the recruitment, training, financing or material provision of mercenaries and their use in an armed conflict; calls on the Russian authorities, in that regard, to also ban state-run enterprises from having private military companies engaging in mercenary activities that are in breach of international humanitarian law;</p> <p>[...]</p> <p>13. Recalls that the EU and its Member States should only resort to private security companies in conflict zones to protect their premises or ensure transport security, and only if they fully respect human rights and international humanitarian law; stresses that no activities should be outsourced to PMSCs that would imply the use of force and/or active participation in hostilities, except in cases of self-defence, and under no circumstances should PMSCs be allowed to take part in or conduct interrogations; firmly believes that security and defence should be primarily provided by public authorities;</p>
<p>13. European Parliament resolution on the human rights situation in Cameroon</p>	<p>25.11.2021</p>	<p>3. Condemns the human rights abuses and violations of international law and international humanitarian law perpetrated by the parties to the armed conflict and underlines the importance of the fight against impunity; calls on the Cameroonian authorities to ensure independent, effective, transparent and impartial investigations, as well as prosecution of the serious violations and abuses by both state and non-state actors, in accordance with international law and standards, and calls for those responsible for human rights violations to be held accountable and brought to justice in a fair trial, in order to end impunity and ensure judicial independence, which are core components of the rule of law and the foundation of a functioning democratic state;</p> <p>[...]</p> <p>13. Calls for the UN and the EU to continue monitoring the humanitarian situation and assessing needs; calls for urgent humanitarian support from the international community, including the EU and its Member States, to respond effectively and meet the urgent needs of the population accordingly; considers that a UN Human Rights Council fact-finding mission to Cameroon would be appropriate to determine the degree to which international human rights law and international humanitarian law have been violated and by whom;</p>

Subject	Date	Excerpt
14. European Parliament resolution on new orientations for the EU's humanitarian action	15.12.2021	6. Calls on the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, and the Member States to closely monitor international humanitarian law violations and to include international humanitarian law violations as a criterion for listing individuals or entities in the relevant EU sanctions regimes in line with the EU guidelines on promoting compliance with international humanitarian law; notes that sanctions and restrictive measures taken in the context of the EU's common foreign and security policy must comply with international humanitarian law and must not hinder the provision of humanitarian activities; underlines the need to consistently include humanitarian exemptions in restrictive measures regimes and to provide the necessary support and guidance to partners to apply these exemptions effectively;

vii. Statements on behalf of the Union in international fora

1) General Assembly:

Subject	Date	Extract
1. Statement on behalf of the EU and its Member States: 75 th Session of the United Nations General Assembly Plenary meeting on the Report of the Secretary-General on the work of the Organisation – Item 115 - A/75/1: Briefing by the Secretary-General on his priorities for 2021	28.01.2021	'The EU will also remain strongly committed to strengthening our rules-based system, ensuring compliance with the rule of law and our continued support to bring accountability, and fight impunity, including via the ICC. All this must remain at the heart of the UN's work.'
2. Statement on behalf of the EU and its Member States: 75 th Session of the United Nations General Assembly on the Agenda item 123: The United Nations Global Counter-Terrorism Strategy, -	30.06.2021	'In addition, we cannot insist enough that the 'humanitarian space' must be protected. Countering terrorism and providing humanitarian assistance are mutually inclusive objectives – we must implement robust CT measures and we must ensure the protection of the humanitarian space. We have heard ample evidence of the unintended impact of Counter-Terrorism measures on humanitarian actors. We must work harder to ensure that counter-terrorism measures do not impede humanitarian action – we continue to regret that not all delegations are yet ready to ensure that humanitarian assistance is prioritised, but very much welcome the improved language in the resolution.'

Subject	Date	Extract
<p>3. Statement on behalf of the EU and its Member States UNGA 76 high-level side event on “IHL: Enhancing Monitoring, Improving Compliance”</p>	<p>22.09.2021</p>	<p>'IHL violations devastate lives and destroy communities. Everywhere in the world. In the Sahel and northeast Nigeria, we continue to witness recurrent targeted attacks against civilian, medical and humanitarian personnel. In Ethiopia, the lives of millions of people hang in the balance as aid operators struggle to gain access to conflict-affected regions.</p> <p>The European Union will remain a strong advocate for International Humanitarian Law.</p> <p>We are strongly committed to put compliance with international humanitarian law (IHL) at the heart of our EU foreign policy to protect civilian populations, support principled humanitarian action and protect humanitarian and health care workers.'</p>
<p>4. Statement on behalf of the EU and its Member States at the 76th Session of the United Nations General Assembly on Agenda item 75: Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance</p>	<p>10.12.2021</p>	<p>'The EU and its Member States will continue to promote compliance with IHL and to insist on accountability in case of IHL violations. The EU calls on States that have not yet done so to ratify and fully implement important IHL instruments, such as the 1977 Additional Protocols to the Geneva Conventions, as well as the Rome Statute. The EU also calls on all States to endorse the Call for Action to strengthen respect for international humanitarian law and principled humanitarian action, co-launched by France and Germany on September 2019, and at this stage endorsed by 52 signatories.'</p>
<p>5. Statement on behalf of the EU at the 76th Session of the United Nations General Assembly – Introduction of the Resolution Safety and security of humanitarian personnel and protection of United Nations personnel</p>	<p>10.12.2021</p>	<p>'First, to see attacks cease in the future, we must continue to improve systematic monitoring, reporting and investigations of attacks against humanitarian and medical personnel now.</p> <p>Second, it is of critical importance continuing to strengthen existing monitoring systems for the safety and security of humanitarian and medical personnel, including to continue improving the quality and effective use of the UN incident data system.'</p>

2) Security Council:

Subject	Date	Extract
1. EU statement for 20 th Anniversary of the establishment of the Counter Terrorism Committee	12.01.2021	'We must work harder to avoid any potential negative impact of counter-terrorism measures on humanitarian activities, including medical activities, carried out by impartial humanitarian actors, in full compliance with humanitarian principles and international humanitarian law . We must hence develop best practices and adopt appropriate mitigating measures, including well-framed humanitarian exceptions adapted to the specific context.'
2. EU statement for Open debate on Conflict and Food Security	11.03.2021	'The EU is deeply concerned by continued gross violations of International Humanitarian Law and of humanitarian principles, by the shrinking of the humanitarian space, and by continued attacks on humanitarian and health care workers. The EU is also concerned by the impact of the widespread and deliberate destruction or damage caused to civilian objects such as schools and hospitals in today's armed conflicts, by attacks conducted in clear violation of international humanitarian law .'
3. EU intervention - 2 nd session of the Open-ended intergovernmental working group to develop the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies	26.04.2021	'The EU will carefully assess the content and added value of any possible proposal of a non-binding international regulatory framework to regulate PMSCs' activities. Its content would need to be in line with international human rights law and international humanitarian law .'
4. EU statement at the Open Debate on the Protection of objects indispensable to the survival of the civilian population	27.04.2021	'The EU is deeply concerned by continued gross violations of International Humanitarian Law and of humanitarian principles, by the shrinking of the humanitarian space, and by continued attacks on humanitarian and health care workers. The EU is also concerned by the impact of the widespread and deliberate destruction or damage caused to civilian objects such as schools and hospitals in today's armed conflicts, by attacks conducted in clear violation of international humanitarian law .'
5. EU statement at the Open Debate on the Protection of Civilians in Armed Conflict	25.05.2021	'The EU remains committed to put the promotion of and adherence to IHL at the heart of its external action. This includes supporting training and exercises to respect IHL , in particular for military and security forces, as well as for non-State armed groups. It also includes leveraging the EU's political, economic and military weight to promote IHL compliance, as outlined by the European Commission's recent Communication on the EU's humanitarian action.'

Subject	Date	Extract
EU written contribution - Open-ended intergovernmental working group to develop the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies	28.06.2021	'Private military and security companies have to operate under precise contractual obligations, monitoring and controls. Safeguards and checks have to be in place to prevent excessive use of force. The Montreux Document plays an important role in reaffirming the existing obligations of States under international law, in particular under international human rights law and international humanitarian law , relating to the activities of private military and security companies during armed conflict.'
6. EU statement for Arria formula 'Humanitarian Action: Overcoming challenges in situations of armed conflict and counter-terrorism operations'	11.08.2021	'We are witnessing an increase in unlawful direct and often deliberate attacks against civilians, hospitals and schools in violation of international humanitarian law . Urban warfare multiplies the risk for loss of life and injuries of civilians and civilian infrastructure. Technological advances sometimes pose challenges to established categories of means and methods of warfare. In this context, we stay firmly committed to championing respect for international humanitarian law , as an objective in itself and as a pre-condition to a better enabling environment for the delivery of principled humanitarian aid.'

3) ECOSOC:

Subject	Date	Extract
1. Statement on behalf of the European Union and its Member States delivered in Geneva	25.06.2021	'Access restrictions are further exacerbated by the growing constraints in the humanitarian operating environment due to the systematic and continued disregard of International Humanitarian Law and disrespect of the humanitarian principles of humanity, neutrality, impartiality and independence. The EU and its Member States will continue to promote compliance with IHL and to insist on accountability in case of IHL violations. We call on all parties to armed conflict to respect their IHL obligations. The EU remains committed to put the promotion of and adherence to IHL and the centrality of protection at the heart of its external action.'

4) Disarmament fora:

Subject	Date	Extract
<p>1. EU Key Messages, Arms Trade Treaty, Working Group on Effective Treaty Implementation, Geneva</p>	<p>26-28.04.2021</p>	<p>'The EU underlines the essential contribution that a responsible arms trade policy makes to the maintenance of international peace and security and respect for human rights and international humanitarian law'.</p>
<p>2. EU joint letter to the Chair of the Group of Governmental Experts on Lethal Autonomous Weapons Systems, Geneva</p>	<p>16.06.2021</p>	<p>'It is in our common interest to avoid scenarios whereby rapid technological advances could undermine international law, in particular international humanitarian law (IHL) and human rights law.</p> <p>The EU will continue to do its utmost to protect the integrity of the rules-based international system and to promote respect for and compliance with IHL as well as respect for the principles of international law.</p> <p>The following EU contribution focuses on six relevant areas of work – the application of IHL, human responsibility and accountability, consideration of the human element, including aspects of human-machine interaction, weapon reviews, characterization of systems under consideration and review of potential military applications of related technologies.</p> <p>Application of applicable IL, including IHL</p> <p>A normative and operational framework:</p> <ul style="list-style-type: none"> - should ensure, as the guiding principle (a) states, that applicable international law, including IHL, continues to apply fully to all weapons systems, including the potential development and use of LAWS. - should recognise that IHL imposes obligations on States, parties to armed conflict and individuals, not on machines. - must reflect that only States, parties to armed conflict, and individuals remain at all times responsible for adhering to their obligations under applicable international law, including IHL. <p>Further possible work for the GGE before the CCW Review Conference The work of the GGE LAWS could be facilitated by information-sharing on national experiences with ensuring IHL compliance when using weapons systems with autonomous features, including in relation to national ethical guidelines for the military use of artificial intelligence.</p> <p>Further possible work for the GGE before the CCW Review Conference The group could determine the type and degree of human-machine interaction, human control involvement or judgment and any operational constraints that are required to ensure compliance with IHL. In doing so, attention should be given to the weapon system's entire lifecycle.</p> <p>A normative and operational framework:</p> <ul style="list-style-type: none"> - should also recognise that application of and compliance with IHL rules and principles in the conduct of hostilities, require an evaluation of the context by those who plan or decide upon an attack.'

Subject	Date	Extract
3. EU Statement, Anti-Personnel Mine Ban Convention, Intersessional meeting, Geneva	22-24.06.2021	<p>'Eleven persons lost their lives and 15 were wounded in an unprecedented attack on persons who, on a daily basis, risked their lives to carry out humanitarian work to save lives and destroy explosive remnants in Afghanistan. This is a shocking violation of international humanitarian law. Those responsible must be held accountable and brought to justice.</p> <p>The EU strongly condemns the use of anti-personnel mines including of an improvised nature, which violate the norm against anti-personnel mines and the rights of civilians who are protected under international humanitarian law. The use of anti-personnel mines anywhere, anytime, and by any actor is unacceptable to the European Union. We call for an immediate halt to the use of anti-personnel mines, whether industrially manufactured, or improvised, worldwide.'</p>
4. EU Statement, Group of Experts on Amended Protocol II, Convention on Certain Conventional Weapons, Geneva	16-17.08.2021	'While acknowledging that MOTAPM are legitimate weapons, Parties to the Convention are obliged to ensure that these weapons are used in accordance with IHL and that all feasible precautions are taken to protect civilians from the unwanted effects of these weapons.'
5. EU Statement on Explosive Remnants of War, Meeting of Experts on Protocol V Convention on Certain Conventional Weapons, Geneva	18.08.2021	'The EU would like to express strong support for all efforts to strengthen this important instrument of International Humanitarian Law , to promote its universalisation, and to enhance its implementation in order to reduce unnecessary civilian harm and minimise the devastating impacts arising from ERW in the world today.'
6. EU Statement, Thematic discussion on Small Arms & Light Weapons, and Stockpile Management, Arms Trade Treaty Seventh Conference of State Parties, Geneva	30.08.2021 - 03.09.2021	'Arms, including small arms and light 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 .'
7. EU Statement, Treaty Implementation, Arms Trade Treaty Seventh Conference of State Parties, Geneva	30.08.2021 - 03.09.2021	<p>'The EU underlines the essential contribution that a responsible arms trade policy makes to the maintenance of international peace and security and respect for human rights and international humanitarian law.</p> <p>Among other cases, EU Member States deny licenses whenever there is a clear risk that the export of military technology and equipment might be used for internal repression, contribute to regional instability, or violate international human rights or humanitarian law.'</p>

Subject	Date	Extract
8. EU Statement, Preparatory Committee for the 6 th Review Conference of the Convention on Certain Conventional Weapons, Geneva	06-08.09.2021	'The EU recalls that the CCW, including its constituent Protocols is an important instrument of International Humanitarian Law (IHL) and reiterates the commitment of the European Union and its Member States to respect and comply fully with IHL, including through full implementation of the EU Guidelines on the promotion of compliance with IHL .'
9. EU Statement, Convention on Cluster Munitions, Second Review Conference, Second Part	20-21.09.2021	'The EU strongly condemns such use and calls upon all actors to refrain from such use and to fully adhere to International Humanitarian Law .'
10. EU General Statement, United Nations General Assembly First Committee 76 th Session, New York	04.10.2021	<p>'The EU recognises the valuable humanitarian contribution of the Convention on Cluster Munitions (CCM). In view of the upcoming Sixth CCW Review Conference the EU supports efforts to universalise and strengthen the Convention, including its constituent Protocols as an important instrument of International Humanitarian Law (IHL). The EU reiterates its commitment to respect and comply fully with IHL, including through full implementation of the EU Guidelines on the promotion of compliance with IHL.</p> <p>We emphasise that human beings must make the decisions with regard to the use of lethal force, exert control over lethal weapons systems they use, and remain accountable for decisions over the use of force in order to ensure compliance with International Law, in particular International Humanitarian Law and International Human Rights Law.</p> <p>The EU supports the Convention's humanitarian goal and calls upon all actors to refrain from the indiscriminate use of cluster munitions affecting civilian populations and to fully observe the principles of International Humanitarian Law.'</p>
11. EU Statement, Thematic Discussion on Conventional Weapons, United Nations General Assembly First Committee, 76 th Session, New York	09.10.2021	<p>'The EU recalls that the Convention on Certain Conventional Weapons and its constituent Protocols, is an important instrument of International Humanitarian Law (IHL) and one of the major instruments for conventional disarmament. The EU reiterates the commitment of the European Union and its Member States to respect and comply fully with IHL, including through full implementation of the EU Guidelines on the promotion of compliance with IHL.</p> <p>We strongly support efforts to strengthen this important instrument of International Humanitarian Law in order to reduce the humanitarian harm and minimise the risks and effects in particular of landmines, improvised explosive devices (IEDs) and explosive remnants of war. In this regard, we welcome an update of the Political Declaration on IEDs.</p> <p>The Anti-Personnel Landmine Convention (APLC) is a transformative milestone for disarmament, and an example of what the EU stands for: a rules-based international order, rooted in respect for human rights and international humanitarian law.</p> <p>We call upon all actors to refrain from such use and to fully observe the principles of International Humanitarian Law.'</p>

Subject	Date	Extract
12. EU Statement on Regional Disarmament and Security, United Nations General Assembly First Committee, 76 th Session, New York	18.10.2021	'With regard to Syria, the EU also condemns the persistent, widespread, systematic and serious violations and abuses of human rights and all violations of international humanitarian law by all parties to the conflict, in particular by the Syrian regime and its allies. We call on all parties to the conflict, especially the regime, to depoliticise the delivery of humanitarian aid, abide by their international humanitarian law and human rights obligations and permanently cease indiscriminate airstrikes and shelling.'
13. EU Statement, Other Disarmament Measures and International Security, United Nations General Assembly First Committee, 76 th Session, New York	18.10.2021	'We look forward to continuing our constructive engagement in the First Committee discussions on cyber, noting the need for continued respect for international law, including international humanitarian law , respect for human rights and fundamental freedoms.'
14. EU Intervention at the Group of Governmental Experts on emerging technologies in the area of Lethal Autonomous Weapons System	02-08.12.2021	<p>'The EU remains committed to pursuing its efforts in the GGE with a view to ensuring that the outcome reflects the necessity of compliance with International Law, in particular International Humanitarian Law, taking into account relevant ethical considerations.</p> <p>The EU emphasises that human beings must make the decisions with regard to the use of lethal force, exert control over lethal weapons system that they use and remain accountable for decisions over the use of force in order to ensure compliance with International Law, in particular International Humanitarian Law.'</p>
15. EU Statement, 15 th Annual Conference of High Contracting Parties on Protocol V on Explosive Remnants of War, Convention on Certain Conventional Weapons, Geneva	09.12.2021	'The European Union recalls that the CCW and its Protocols are an essential and integral part of IHL and reiterates the commitment of the European Union and its Member States to respect and comply fully with IHL , as well as the continuation of implementing fully the EU Guidelines on the promotion of compliance with IHL .'
16. EU Statement, 23 rd Annual Conference of High Contracting Parties on Amended Protocol II, Convention on Certain Conventional Weapons, Geneva	10.12.2021	'While acknowledging that MOTAPM are legitimate weapons, Parties are obliged to ensure that they are used in accordance with International Humanitarian Law (IHL), including by taking all feasible precautions, to protect civilians from the effects of these weapons.'

Subject	Date	Extract
<p>17. EU Statement, Sixth Review Conference of the High Contracting Parties to the Convention on Certain Conventional Weapons, Geneva</p>	<p>13-17.12.2021</p>	<p>'The EU remains committed to pursue its efforts in the GGE with a view to ensuring that the outcome reflects the necessity of compliance with International Law, in particular International Humanitarian Law, taking into account relevant ethical considerations. The EU emphasises that human beings must make the decisions with regard to the use of lethal force, exert control over lethal weapons system that they use and remain accountable for decisions over the use of force in order to ensure compliance with International Law, in particular International Humanitarian Law.</p> <p>The EU remains fully committed to reducing the suffering and the harm caused by mines, booby-traps and other devices. Amended Protocol II represents an important instrument of International Humanitarian Law (IHL) and we invite all States who have not yet done so to join this Protocol!</p>

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', issued on 12 December 2010 by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe.

Apart from a contribution by Norway for the reconstruction of the KSC's premises in The Hague (EUR 8 416 623) and a contribution by Switzerland for the outreach activities (EUR 181 200), the functioning of the KSC (staff costs, mission costs, running costs, capital costs) is entirely funded from the EU budget via grant contracts concluded between the KSC and the Commission.

Since the creation of the KSC in 2016, five grant agreements have been concluded between the Commission and the KSC, covering the periods of 15 June 2016 to 14 June 2017, 15 June 2017 to 14 June 2018, 15 June 2018 to 14 June 2020, 15 June 2020 to 14 June 2021, and 15 June 2021 to 14 June 2023 respectively. The budgeted maximum EU contribution for the period was as follows:

- for the period 15 June 2016 to 14 June 2017: EUR 29 100 000;
- for the period 15 June 2017 to 14 June 2018: EUR 39 347 026;
- For the period 15 June 2018 to 14 June 2020: EUR 82 148 536;
- for the period 15 June 2020 to 14 June 2021: EUR 45 045 000; and
- for the period 15 June 2021 to 14 June 2023: EUR 115 793 683.

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 combatting all forms of discrimination against them, and the Union's policy regarding UN Security Council Resolution 1325 (2000), including by monitoring and reporting on developments as well as formulating recommendations in this regard'. According to Article 1 of Council Decision 2011/168/CFSP: 'The International Criminal Court ... for the purpose of preventing and curbing the commission of the serious crimes falling within its jurisdiction, is an essential means of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law as well as contributing to the preservation of peace, the prevention of conflicts and the strengthening of international security, in accordance with the purposes and principles of the Charter of the United Nations.'

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

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

ii. **Funding assistance to support activities to promote compliance for IHL – examples of projects funded under the Instrument Contributing to Security and Peace/ Rapid Response Pillar of the Neighbourhood, Development and International Cooperation Instrument – Global Europe**

JUSTICE IN CONFLICT AND TRANSITIONAL JUSTICE

The facility dedicated to supporting transitional justice processes was launched to provide short-term support and expert advice for third countries in the areas of transitional justice, constitution building and restoration of justice for the population. In 2021, the facility was mobilised in Afghanistan, Armenia, Burundi, Libya, Nigeria and Yemen.

SECURITY SECTOR GOVERNANCE FACILITY

The facility aims to strengthen effective support for security sector reform and to ensure that good governance principles remain central to those processes. The facility makes it possible to mobilise expertise on a short- to mid-term basis on a wide range of security issues including criminal justice, traditional or community-based justice mechanisms, security needs and the rights of women, men, girls and boys. In 2021 the facility was mobilised in several countries including Somalia, Benin, Nigeria, DRC, Chad, Chile.

RESPONSIBILITY TO PROTECT AND THE PREVENTION OF ATROCITIES

► **Project Name:** *Advancing Prevention and Preparing for Peace – Atrocity Prevention Guidelines for Practitioners*



Region/country: global



Amount: EUR 500 000



Duration: 2019–2022



Implementing partner: United Nations Office on Genocide Prevention and the Responsibility to Protect



Description: In 2021 the project to support the United Nations Office on Genocide Prevention and the Responsibility to Protect entitled *Advancing Prevention and Preparing for Peace – Atrocity Prevention Guidelines for Practitioners* carried out case study research, including best practices and lessons learned.

CAPACITY-BUILDING FOR PARTICIPATION IN CIVILIAN STABILISATION MISSIONS

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

GEOGRAPHIC INTERVENTIONS UNDER ICSP ARTICLE 3/ RAPID RESPONSE PILLAR OF THE NEIGHBOURHOOD, DEVELOPMENT AND INTERNATIONAL COOPERATION INSTRUMENT – GLOBAL EUROPE

In Afghanistan

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



Amount: EUR 500 000



Duration: 2020–2022



Implementing partner: Geneva Call



Description: The action aims to increase the awareness and knowledge among armed non-state actors of humanitarian norms, notably in respect of protection of access to healthcare. It is also designed to encourage greater respect for such norms.

In Lebanon

- ▶ **Project name :** *Consolidation des capacités militaires de formation au profit des populations dans les zones de crise et de conflit*



Region/country:



Amount: EUR 2 600 000



Duration: 2019 - 2022



Implementing partners: Directorate of Cooperation of Security and Defence of the French Ministry of Foreign Affairs



Description : The project supports the Humanitarian Regional School for De-mining in Lebanon to provide capacity-building on humanitarian de-mining to Lebanese and Iraqi military.

In Libya

- ▶ **Project name:** *Libya Expertise, Analysis and Deployment (LEAD II)*



Amount: 3 500 000 EUR



Duration: 2020-2022



Implementing partners: B&S Europe



Description: This project aims to support the EU's strategic goal of assisting Libya's political transition towards a stable, functioning country through the deployment of security-related expertise (e.g. on identification and clearance of explosive remnants of war and improvised explosive devices, or on monitoring of human rights violations and IHL, including forensics related to mass grave excavations). It also aims to support UNSMIL in facilitating an effective political process and to assist Libyan security institutions in carrying out their functions in a conflict-sensitive and human rights compliant manner.

- ▶ **Project name:** *Creating Safer Communities to Support Stabilization and Reconstruction in Sirte*



Region/country: Sirte (Libya)



Amount: EUR 14 400 000



Duration: 2019-2022



Implementing partners: Dan Church Aid and Halo Trust



Description: The project addresses the acute explosive remnants of war (ERW) contamination through a combination of rubble sorting/removal and disposal of explosive ordnance of priority areas in Sirte with mine risk education and psychosocial support activities. It operates large-scale clearance in Sirte city centre, which has been heavily contaminated during the ISIS occupation that ended in 2017.

► **Project name:** *Humanitarian Mine Action activities in Libya*



Region/country:



Amount: EUR 5 000 000



Duration: 2019 - 2022



Implementing partners: Danish Refugee Council and Free Field Foundation



Description: The project aims to recreate a safe environment where conflict-affected communities in Libya can live without the threat of mines and explosive remnants of war (ERW.) The EU supports activities in Tripoli, especially mine risk education towards IDPs tempted to return to their homes; IDPs are alerted about the danger and are allowed to operate on-call removal of unexploded ordnance. The project supports the Libyan civil protection to destroy unsecured munition near Tripoli.

In Mali

► **Project name:** *Soutenir la lutte contre l'impunité au Mali*



Region/country: Central Mali



Amount: EUR 2 000 000



Duration: 2020 - 2022



Implementing partners: Federation Internationale des Droits Humains



Description: Support the fight against impunity in central Mali where civilian populations are the main target and the primary victims of the myriad of armed actors fighting for control of the territory. The project aims to accompany national civil society in documenting serious human rights violations and international crimes; accompany and support victims of international crimes before transitional justice mechanisms and national, regional and international courts; mobilise states and the international community in favour of the fight against impunity and respect for human rights and democratic principles in Mali; strengthen the culture of human rights and the fight against impunity among youth and communities in Mali; support and mobilise civil society in the fight against impunity, respect for human rights and democratic principles

► **Project name:** *Project to support people's access to rights and justice to strengthen the fight against impunity in central Mali*



Amount: EUR 1,000,000



Duration: 2021 - 2022



Implementing partners: ASSOCIATION DEME-SO



Description: The EU supports the victims of violence, notably through psychological support but also paralegal and legal assistance. The project aims to improve the population's rights and access to justice through proximity services of paralegals and law offices. By relaying information and recording complaints, the projects aims to create a link between the local population, court magistrates and the competent institutions in the field of human rights and IHL.

In Myanmar

► **Project name:** *Supporting the fight against impunity in Myanmar*

€ **Amount:** EUR 1 000 000

📅 **Duration:** 2021-2023

🔗 **Implementing partners:** The Independent Investigative Mechanism for Myanmar

🌐 **Description:** This project supports the Independent Investigative Mechanism for Myanmar (IIMM) which collects, processes and preserves human rights violation evidence.

In Nigeria

► **Project name:** *Fostering Stability in Nigeria through the protection of civilians*

€ **Amount :** EUR 2 028 689

📅 **Duration:** 2020 - 2021

🔗 **Implementing partner:** CIVIC

🌐 **Description:** The main objective of this project is to promote a more effective protection of civilians by Security Forces and Community Militia in Nigeria. The project developed a curriculum and carried out training sessions for military officers on protection of civilians and on Civil Harm Mitigation. Furthermore, the project engaged with civilian community protection committees to help them work together with security agencies for their own protection. As an alternative strategy to in-person activities against the backdrop of the COVID-19 pandemic, radio programming was actively used in the course of project implementation to sustain increased awareness on the protection of civilians and Civilian Harm Mitigation amongst local population and security forces.

► **Project name:** *Advancing the Protection of Civilians and Stabilisation in Northeast Nigeria*

€ **Amount:** EUR 2 272 893

📅 **Duration:** 2021 - 2023

🔗 **Implementing partner:** CIVIC

🌐 **Description:** This project continues the work of the above project with the main objective of supporting stabilisation in the North-eastern region of Nigeria by promoting a more effective protection of civilians by the government, security forces, community militia in Nigeria. This project broadens the focus of the previous activities by engaging with the police and other internal security forces, as well as working to improve cooperation with other local authorities on issues related to the protection of civilians.


In Pakistan

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

€ **Amount:** EUR 500 000

📅 **Duration:** 01/02/2020 until 31/01/2022

 **Implementing Partner:** Geneva Call

 **Description:** The project aims to contribute to the long-term stability and reduction of violence in Northwest Pakistan through the promotion of sustainable dialogue between communities, local authorities and regional fighting parties on improved observance of humanitarian norms.


In Palestine

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

 **Amount:** EUR 2 500 000

 **Duration:** 2019 – 2021

 **Implementing partners:** Save the Children

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

In Ukraine

▶ **Project name:** *Humanitarian Mine Action in Eastern Ukraine*

 **Amount:** EUR 4 000 000

 **Duration:** 2021/2023

 **Implementing partner:** The Halo Trust

▶ **Project name:** *Revitalising front-line communities through humanitarian de-mining and livelihood support*

 **Amount:** EUR 2 500 000

 **Duration:** 2021 – 2023

 **Implementing partners:** Danish Refugee Council

Both these projects provide non-technical survey, mine risk education and clearance teams in high-priority areas in eastern Ukraine. The projects also provide high-level technical expertise to national stakeholders to support the implementation of the Law on Mine Action and associated amendment, and contribute towards the development of national humanitarian mine action capacity.

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

€ **Amount:** EUR 3 000 000

📅 **Duration:** 2020 - 2021

🔗 **Implementing partners:** International, Impartial and Independent Mechanism

🌐 **Description:** On 21 December 2016, the UN General Assembly adopted Resolution 71/248 establishing an 'International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011' (referred to as 'IIIM'). The EU contribution supported the core functions of IIIM, namely: (1) current and future investigations and prosecutions in relevant jurisdictions; and (2) preparation of files and other materials that could be used in the future by national, regional and international courts and tribunals.

► **Project name:** *Creating Safer Communities in North East Syria to Support Safe and Sustainable Returns and Stabilization*

€ **Amount:** EUR 10 000 000

📅 **Duration:** 2019 - 2021

🔗 **Implementing partners:** Dan Church Aid

🌐 **Description:** This project aimed to facilitate safe and sustainable returns, and thus encouraged stabilisation and early recovery through risk education and protection from explosive hazards (surveys and clearance). The project was heavily impacted by the COVID 19 pandemic which forced a suspension of survey and clearance activities for almost a year.

► **Project name:** *Stabilisation/early recovery in North-East Syria (Aleppo, Deir-Ez-Zor, al-Raqqa and al-Hasakeh governorates)*

€ **Amount:** EUR 10 000 000

📅 **Duration:** 2021-2023

🔗 **Implementing partners:** Mine Advisory Group (MAG)

🌐 **Description:** Integrated Humanitarian Mine Action response across Aleppo, Deir-Ez-Zor, Raqqa and Hasakeh governorates of Syria, including capacity-building to manage the large-scale mine action contamination in the region in the long term. To provide a safe platform for early recovery and stabilisation activities including reducing the physical threat from improvised landmines, booby-traps and other UXO, and increasing safe access to key infrastructure, villages and agricultural areas.

In the West Bank and Gaza

► **Project name:** *Humanitarian Mine Action to Reduce Explosive Risk Faced by Civilians*



Region/country:



Amount: EUR 3 000 000



Duration: 2021-2023



Implementing partners: UNMAS



Description: Access and movement constraints, damage to infrastructure and roads, and explosive remnants of war (ERW) contamination are obstacles to proper needs assessment and assistance delivery in Gaza. UNMAS estimates that a significant number of unexploded ordnance fired by both the Israeli Defense Forces (IDF) and Hamas failed to explode and remain hidden in the rubble or buried below ground in Gaza, presenting a danger to local communities. This action supports the excavation and disposal of unexploded ordinances at and around residential areas, markets, health clinics, schools and solar plants, coupled with a widespread educational campaign about how to recognise and mitigate explosive hazards.

In Yemen

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



Region/country: Yemen



Amount: EUR 4 000 000



Duration: 2020 – 2021



Implementing partners: Hala Systems



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

iii. IPA II, IPA III and ENI projects with IHL dimension

1) IPA II AND IPA III

Serbia


► **Contract name:** *Support for Victims and Witnesses of Crime in Serbia*

 **Implementation period:** 19/12/2017 - 18/02/2023

 **Budget in EUR:** 1.500.000,00

 **Source of funding:** IPA II

 **Implementing partners:** OSCE

 **Description:** Support provided through the OSCE for the drafting of a National Strategy and Action plan for Victim and Witness Support throughout Serbia as well as an awareness campaign and capacity-building.

Bosnia and Herzegovina


► **Contract name:** *War Crimes Case Monitoring Project: Third Phase*

 **Implementation period:** 24/12/2019 - 31/12/2021

 **Budget in EUR:** 500.000,00

 **Source of funding:** IPA II

 **Implementing partners:** OSCE

 **Description:** To provide assistance in the monitoring of implementation of the EU financial assistance to Bosnia and Herzegovina in the processing of war crime cases, with the OSCE acting in an advisory, capacity-building and coordinating capacity.

Western Balkans


► **Contract name:** *Supporting a More Effective Administration of Justice in Corruption and Organised Crime Cases in the Western Balkans through Trial Monitoring*

 **Implementation period:** 10/12/2020 - 31/12/2023

 **Budget in EUR:** 1.500.000,00

 **Source of funding:** IPA II

 **Implementing partners:** OSCE

 **Description:** This action aims to improve the implementation of electoral recommendations in five thematic areas in IPA II Western Balkans beneficiaries (Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia, and Kosovo)

► **Contract name:** *Enhancing War Crimes Accountability in the Western Balkans*



Implementation period: 1/1/2021 - 31/12/2023



Budget in EUR: 3.000.000,00



Source of funding: IPA II



Implementing partners: IRMCT



Description: In line with the Western Balkans Strategy and the Sofia Declaration, the aim is to promote reconciliation and good neighbourly relations in the Western Balkans through enhancing criminal accountability and the rights of the victims of the 1990s conflicts in the former Yugoslavia. The project will (1) enhance the prosecution of war crimes at domestic level (component A, implemented by the Office of the Prosecutor) and (2) increase public knowledge and understanding of crimes committed (component B implemented by the Registry). Focus is primarily on Bosnia and Herzegovina, Kosovo, Montenegro and Serbia; with some activities also implemented in Albania and North Macedonia.

► **Contract name:** *Regional CSO Activism for Regional Reconciliation in the Former Yugoslavia - In Support of RECOM*



Implementation period: 1/3/2018 - 28/2/2021



Budget in EUR: 920.000,00



Source of funding: IPA II



Implementing partners: FOND ZA HUMANITARNO PRAVO



Description: Goal: the initial goal was to promote regional reconciliation by establishing the facts on war crimes, human losses and detention sites related to the Yugoslav wars, through the establishment of a Regional Truth Commission – “RECOM”.
In view of the political context and the resulting impossibility to set up a Regional Truth Commission, the project was amended with a strict focus on establishing the facts on war crimes, human losses and detention sites related to the Yugoslav wars of the 1990s. The amended project will aim at: (1) providing a solid basis for a nominal regional list of victims of the wars in the former Yugoslavia; (2) setting up an inclusive and bottom-up regional civil society network for reconciliation; (3) facilitating a facts-based regional public dialogue on dealing with the past from the perspective of the victims. The main geographical scope includes Bosnia and Herzegovina, Kosovo, North Macedonia and Serbia.

► **Contract name:** *Strengthening Regional Cooperation in the Western Balkans to Resolve Missing Persons Cases from Conflicts of the 1990s*



Implementation period: 25/7/2019 - 24/12/2021



Budget in EUR: 1.499.155,30



Source of funding: IPA II



Implementing partners: ICMP



Description: Goal: to strengthen reconciliation in the Western Balkans through addressing the issue of persons missing as a result of conflicts in the 1990s.
The project will (1) strengthen the domestic technical capacities in the identification of missing persons and enhance regional cooperation; and (2) empower families of the missing to hold domestic authorities accountable and lobby for their rights. The project targets Bosnia and Herzegovina, Serbia and Kosovo. Some activities (database) benefit Montenegro (Albania and North Macedonia are not involved, due to their specific context with respect to the missing persons issue).

► **Contract name:** *Comparative study on reparation mechanisms for international crimes in the Western Balkans*



Implementation period: 6/1/20 - 31/3/2021



Budget in EUR: 410.442,00



Source of funding: IPA II



Implementing partners: ALTAIR ASESORES SL



Description: The global objective of this assignment is to inform decision-makers in the EU as to the state of play of the alignment of Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia (hereinafter “targeted IPA II beneficiaries”) with the EU acquis and international standards on the right to reparation for victims of war crimes, crimes against humanity and genocide. The outputs of the assignment will enable the European Commission to make an informed decision on the need, relevance and scope of developing further support to assist the targeted IPA II beneficiaries in their alignment with the EU acquis on the right to reparation for victims of war crimes, crimes against humanity and genocide.

► **Contract name:** *Scoping exercise on landmines' removal in the Western Balkans*



Implementation period: 21/10/2019 - 24/4/2021



Budget in EUR: 158.082,00



Source of funding: IPA II



Implementing partners: IBF INTERNATIONAL CONSULTING



Description: The global objective of this assignment is to inform decision-makers in the EU as to the state of play of landmines, cluster munitions and other explosive and toxic remnants in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia remaining from the 1990s conflicts in the Western Balkans, and their impact on good neighbourly relations and reconciliation in the region.

2) ENI

Syria

► **Contract name:** *Prospects, challenges and policy options in wartime and for post-conflict in Syria (WPCS) – Phase II*



Implementation period: 20/10/2020 – 31/07/2023



Budget in EUR: 1.799.873,18



Source of funding: ENI



Implementing partners: EUROPEAN UNIVERSITY INSTITUTE



Description: The WPCS overall objective is to contribute creating an inclusive and stable Syria, while the specific objective of WPCS to improve the overall response of the EU to the Syrian crisis at both the operational and strategic levels.

► **Contract name:** *Supporting Inclusive Consultation Processes among Local Actors in Syria – Phase II (LCP II)*



Implementation period: 30/11/2020 – 31/12/2022



Budget in EUR: 2.500.000,00



Source of funding: ENI



Implementing partners: DEUTSCHE GESELLSCHAFT FUR INTERNATIONALE ZUSAMMENARBEIT (GIZ) GMBH



Description: The overall objective of the Action is the stabilisation of selected regions in Syria and preparing the context for a potential transition process. The specific objective is to keep a broad set of local civil society actors actively engaged in the implementation areas.

► **Contract name:** *Enhancing women 's participation in decision making and peace-building processes in Syria*



Implementation period: 29/07/2019 – 30/09/2022



Budget in EUR: 2.500.000,00



Source of funding: ENI



Implementing partners: INITIATIVE FEMINISTE EURO-MEDITERRANEENNE



Description: Overall Objective: contribute to a gender-sensitive and inclusive peace-building process in Syria
SO:1. VAW and CRSV are better addressed and women's participation in decision-making, peace and national reconciliation is promoted; SO 2. Survivor-led accountability for gender-related crimes committed in Syria is enabled.

C. RESTRICTIVE MEASURE⁴⁴

[See Section V of the report]

i. Examples of regimes of restrictive measures

Decision	Country	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;'
3. COUNCIL DECISION 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2008/369/CFSP	Democratic Republic of Congo	Article 3(1)(d): 'recruiting or using children in armed conflict in the DRC in violation of applicable international law; (e): being involved in planning, directing, or committing acts in the DRC that constitute human rights violations or abuses or violations of international humanitarian law , as applicable, including those acts involving the targeting of civilians, including killing and maiming, rape and other sexual violence, abduction, forced displacement, and attacks on schools and hospitals; (f) obstructing the access to or the distribution of humanitarian assistance in the DRC;'
4. COUNCIL DECISION (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP	Libya	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;' 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;'

⁴⁴ Council Decisions are updated from time to time

Decision	Country	Criteria
5. COUNCIL DECISION 2017/1775/CFSP of 28 September 2017 concerning restrictive measures in view of the situation in Mali	Mali	Article 1(1) and Article 2(1) (e) '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;'
6. COUNCIL DECISION 2013/184/CFSP of 22 April 2013 concerning restrictive measures against Myanmar/Burma and repealing Decision 2010/232/CFSP	Myanmar	Article 5 (c) and Article 6 (c): '-natural persons from the Myanmar Armed Forces (Tatmadaw), the Myanmar Police Force and the Border Guard Police responsible for obstructing the provision of humanitarian assistance to civilians in need;'
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; [...] '— 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.'

Decision	Country	Criteria
8. COUNCIL DECISION 2014/450/CFSP of 10 July 2014 concerning restrictive measures in view of the situation in Sudan and repealing Decision 2011/423/CFSP	Sudan	Article 3: 'individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian law or human rights law or other atrocities...'
9. 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.'

ii. Examples of humanitarian exceptions (derogations and exemptions) in EU sanctions regimes⁴⁵

Decision	Country	Criteria
1. COUNCIL DECISION 2011/486/CFSP of 1 August 2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan	Afghanistan	Article 4(6): 'Paragraphs 1 and 2 shall not apply to the processing and payment of funds, other financial assets or economic resources, and the provision of goods and services necessary to ensure the timely delivery of humanitarian assistance and other activities that support basic human needs in Afghanistan or to support such activities .'
2. COUNCIL DECISION 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus	Belarus	Article 5(1) (f): 'The competent authority of a Member State may authorise the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are: - intended exclusively for the payment necessary for: (i) humanitarian purposes , for the evacuation or repatriation of persons, or for initiatives providing support to victims of natural, nuclear or chemical disasters;'

⁴⁵ As a general rule, EU restrictive measures prohibit the making available of funds and economic resources to designated persons or entities, unless a specific exception exists. However, in accordance with international humanitarian law, where no other options are available, the provision of humanitarian aid should not be prevented by EU sanctions.

Decision	Country	Criteria
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 5(7): 'With regard to persons and entities listed in Annex II, exemptions may also be made for funds and economic resources which are necessary for humanitarian purposes , such as delivering or facilitating the delivery of assistance, including medical supplies and food, or the transfer of humanitarian workers and related assistance or for evacuations from DRC.'
4. COUNCIL DECISION (CFSP) 2020/1999 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses	Human Rights	Article 4: 'By way of derogation from Article 3(1) and (2), the competent authorities in the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary for humanitarian purposes , such as delivering or facilitating the delivery of assistance, including medical supplies, food, or the transfer of humanitarian workers and related assistance or for evacuations.'
5. COUNCIL DECISION (CFSP) 2021/1277 of 30 July 2021 concerning restrictive measures in view of the situation in Lebanon	Lebanon	Article 3(1): 'By way of derogation from Article 2(1) and (2), the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary for humanitarian purposes , such as delivering or facilitating the delivery of assistance, including medical supplies, food, or the transfer of humanitarian workers and related assistance or for evacuations from Lebanon.'
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 9(8): 'With regard to persons and entities listed in Annex IV, exemptions may also be made for funds and economic resources which are necessary for humanitarian purposes , such as delivering or facilitating the delivery of assistance, including medical supplies, food, the provision of electricity, humanitarian workers and related assistance, or evacuating foreign nationals from Libya.'

Decision	Country	Criteria
7. COUNCIL DECISION 2017/1775/CFSP of 28 September 2017 concerning restrictive measures in view of the situation in Mali	Mali	Article 2a(7): 'By way of derogation from paragraphs 1 and 2, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary for humanitarian purposes , such as delivering or facilitating the delivery of assistance, including medical supplies, food, or the transfer of humanitarian workers and related assistance or for evacuations from Mali.'
8. COUNCIL DECISION 2013/184/CFSP of 22 April 2013 concerning restrictive measures against Myanmar/ Burma and repealing Decision 2010/232/CFSP	Myanmar	Article 6a (1): 'By way of derogation from Article 6(1) and (2), the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources belonging to a natural or legal person, entity or body listed in the Annex, or the making available of certain funds or economic resources to a natural or legal person, entity or body listed in the Annex, under such conditions as the competent authorities deem appropriate, after having determined that the provision of such funds or economic resources is necessary for humanitarian purposes , such as delivering or facilitating the delivery of assistance, including medical supplies, and food, for the transfer of humanitarian workers and related assistance or for evacuations from Myanmar/Burma.'
9. COUNCIL DECISION (CFSP) 2019/1720 of 14 October 2019 concerning restrictive measures in view of the situation in Nicaragua	Nicaragua	Article 3: 'By way of derogation from Article 2(1) and (2), the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources belonging to a natural or legal person, entity or body listed in the Annex, or the making available of certain funds or economic resources to a natural or legal person, entity or body listed in the Annex, under such conditions as the competent authorities deem appropriate, after having determined that the provision of such funds or economic resources is necessary for humanitarian purposes , such as delivering or facilitating the delivery of assistance, including medical supplies, food or the transfer of humanitarian workers and related assistance or for evacuations from Nicaragua.'
10. COUNCIL DECISION 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP	Somalia	Article 6(6): 'Paragraphs 1 and 2 shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialised agencies or programmes, humanitarian organisations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners, including bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plan for Somalia.'

Decision	Country	Criteria
<p>11. COUNCIL DECISION 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria</p>	<p>Syria</p>	<p>Article 5(3): 'The prohibitions set out in paragraphs 1 and 2 shall not apply to the purchase or transport in Syria of petroleum products or to associated financing or financial assistance by public bodies, or by legal persons or entities which receive public funding from the Union or Member States to provide humanitarian relief in Syria or to provide assistance to the civilian population in Syria, where such products are purchased or transported for the sole purposes of providing humanitarian relief in Syria or to provide assistance to the civilian population in Syria.'</p> <p>Article (6): 'With a view to helping the civilian population in Syria in cases not covered by Article 5(3) and by way of derogation from Article 5(1) and (2), the competent authorities of a Member State may authorise, on the general and specific terms and conditions they deem appropriate, the purchase or transport in Syria of petroleum products and the provision of associated financing or financial assistance, provided that the following conditions are met: (a) the activities concerned are for the sole purpose of providing humanitarian relief in Syria or assistance to the civilian population in Syria.'</p> <p>Article 18(3): 'Paragraph 1 shall not concern trade for food, agricultural, medical or other humanitarian purposes.'</p> <p>Article 28 (a)(1): 'The prohibition set out in Article 28(5) shall not apply to funds or economic resources made available to the natural or legal persons and entities listed in Annexes I and II by public bodies, or by legal persons or entities which receive public funding to provide humanitarian relief in Syria or to provide assistance to the civilian population in Syria, where the provision of such funds or economic resources is in accordance with Article 5(3).'</p> <p>Article 28 (a)(2): 'In cases not covered by paragraph 1 of this Article and by way of derogation from Article 28(5), the competent authorities of a Member State may authorise the making available of certain funds or economic resources, on the general and specific terms and conditions they deem appropriate, after having determined that the making available of funds or economic resources concerned is necessary for the sole purpose of providing humanitarian relief in Syria or assistance to the civilian population in Syria.'</p>
<p>COUNCIL DECISION 2014/932/CFSP of 18 December 2014 concerning restrictive measures in view of the situation in Yemen</p>	<p>Yemen</p>	<p>Article 6(a): 'By way of derogation from the measures imposed by UNSCR 2140 (2014) and UNSCR 2216 (2015), provided that the Sanctions Committee has determined on a case-by-case basis that an exemption is necessary to facilitate the work of the United Nations and other humanitarian organisations in Yemen or for any other purpose consistent with the objectives of those Resolutions, the competent authority of a Member State shall grant the necessary authorisation.'</p>

D. INTERNATIONAL CRIMINAL TRIBUNALS

[See Section VIII of the report]

Subject	Date	Extract
1. International Criminal Court: Statement by the High Representative/ Vice-President Josep Borrell on the US decision to repeal sanctions against the International Criminal Court	30.04.2021	<p>'On 2 April, the US administration announced the repeal of the executive order imposing sanctions on the Prosecutor of the International Criminal Court (ICC) and another member of the Court's staff. This important step underlines the US's commitment to the international rules-based system.</p> <p>The ICC plays an important role in delivering justice to the victims of some of the world's most horrific crimes. Protecting the impartiality and judicial independence of the ICC is paramount to its effectiveness and proper functioning.</p> <p>The European Union is unwavering in its support for the universality of the Rome Statute and for the ICC. We will stand together with all partners to defend the Court against attempts aimed at obstructing the course of justice and undermining the international system of criminal justice and we will continue to support the ongoing review process to enhance the Rome Statute system and make the Court stronger and more effective.'</p>
2. EU Statement at the 20th Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court	06.12.2021	<p>'Long-lasting peace and sustainable development build on justice. We believe that efforts to promote the universality of the Rome Statute can contribute to criminal accountability and justice. The European Union will continue to advocate for the universal ratification of the Rome Statute, which remains our long-term goal, and invites all States that have not yet done so to consider joining the ICC to end impunity for the most serious crimes worldwide.'</p>

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