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To:	Committee for Civilian Aspects of Crisis Management (CIVCOM)
Subject:	Civilian Operations Commander Operational Guidelines on Human Rights Mainstreaming and Human Rights Due Diligence

Delegations will find attached document EEAS(2021) 750.

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Civilian Planning and Conduct Capability – CPCC
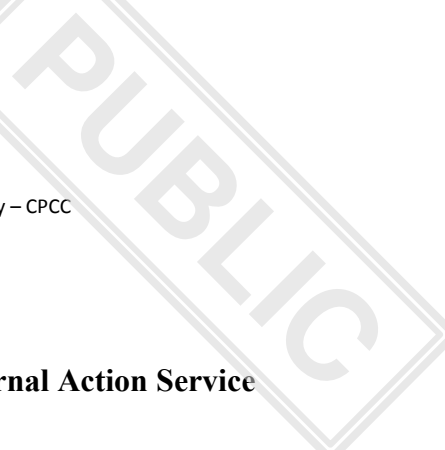
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EEAS(2021)750

CIVILIAN OPERATIONS COMMANDER OPERATIONAL GUIDELINES ON HUMAN RIGHTS MAINSTREAMING AND HUMAN RIGHTS DUE DILIGENCE

Dear colleagues,

The starting point is that human rights mainstreaming contributes to the effectiveness and impact of CSDP Missions and hence to mandate delivery. The emphasis is placed on mainstreaming, on integrating the human rights dimension into daily Mission work. Working closely with other EU and non-EU actors, including civil society is key.

This set of guidelines on human rights mainstreaming aims to bridge the gap between policy and practice. Operational guidelines on human rights mainstreaming were identified by the Council in the Civilian Compact[1] as a key action for strengthening civilian CSDP. More recently, the EU's commitment to human rights mainstreaming was reiterated in the EU Action Plan on Human Rights and Democracy 2020-2024, which sets out the EU's ambitions and priorities for concrete actions in the field of external relations over the next five years. As is often the case, concrete implementation is the key challenge. Hence, the emphasis in this document is on the operational element: *what* to do, and in particular *how* to do it. To this end, this document contains a toolbox for human rights mainstreaming and a checklist for human rights analysis.

The guidelines are a joint product of the CPCC and the Missions. A first draft was produced in December 2020 by a working group of human rights advisers from a number of Missions, while all Missions were consulted for subsequent iterations. I would like to thank all the colleagues involved in the production of this document.

This document also contains instructions on human rights due diligence. It sets out the procedure for notifying human rights concerns within your mission and to CPCC. It also set out how Missions should conduct a human rights due diligence before engaging with third party interlocutors.

Human rights mainstreaming is the responsibility of senior Mission management. By ensuring that the human rights adviser reports directly to the Head of Mission and is part of the senior management team, human rights mainstreaming is facilitated at all levels and in all the activities of a Mission.

I am convinced that these guidelines, which are intended for **all Mission staff**, will be helpful in taking forward human rights mainstreaming and human rights due diligence and will thus contribute to improved mandate delivery.

Francisco ESTEBAN PEREZ
Civilian Operations Commander

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[1] Commitment 16, Joint Action Plan implementing the Civilian CSDP Compact, doc. 14305/18, dated 19 November 2018)

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A.   Background, introduction, aim, and scope

Background

As early as 2006 Member States provided guidance for the mainstreaming of human rights into CSDP[2]. The 2016 Baseline Study[3] provided that human rights expertise should be integrated from the earliest planning stages through to the strategic review stage. Most recently, the need to mainstream human rights was reiterated in the EU Action Plan on Human Rights and Democracy 2020-24.[4]

Introduction

These guidelines cover all phases of the Mission cycle, i.e. analysis, planning, conduct of operations/mandate implementation, reporting, monitoring and evaluation, and review. They also extend to in-Mission responsibilities related to Mission staff, e.g. human resources, working environment, the Code of Conduct, training and inductions, and to responsibilities related to the host state and to non-state actors exercising government-like functions and control over a territory and a population. They provide a **toolkit for a Human Rights-Based Approach** that will foster a uniform and recognisable CPCC-wide approach to EU policies pertaining to human rights mainstreaming.

> **The human rights-based approach (HRBA) is the most commonly used methodology for mainstreaming human rights into programming and planning cycles. It ensures that people (right-holders) know about their human rights and can claim them. It also targets, supports and enables the entities responsible for respecting, protecting and fulfilling human rights (duty-bearers), so that they are equipped to implement their obligations.**
> **A human rights-based approach serves to ensure that all policies and actions are aimed at realising the human rights of the whole of society without discrimination, be it direct or indirect. As such, adopting/applying a HRBA is fundamental in the process of mainstreaming human rights.**

A human rights perspective calls for an enhanced focus on the assessment and analysis phase. It provides, among other things, insight into the legal framework of a country or Mission area and the factors that create and perpetuate discrimination and social exclusion and hinder people from realising their potential. A HRBA may not necessarily change what we do, but it will make us question how we do it. These guidelines aim to provide both a vision of what we should try to achieve with our activities (to secure the freedom, dignity and well-being of all citizens in our missions and theatres of operation) and a set of tools and essential references (human rights standards and principles). Finally, this document provides guidance on human rights risk management, which aims to identify and assess the potential adverse human rights-related impacts of the planned support and mitigate the risks associated with the support.

Aim

> **Human rights mainstreaming refers to the overall process of adopting a human**

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[2] Mainstreaming of Human Rights into ESDP (Council/11936/4/06)

[3] Report on the Baseline Study on Integrating Human Rights and Gender into the European Union's Common Security and Defence Policy (CSDP) (15726/16)

[4] EU Action Plan on Human Rights and Democracy 2020-2024, doc. 12848/20, approved by the Council on 18 November 2020

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rights-based approach to promote, protect, respect and fulfil human rights.

The immediate **purpose** of human rights mainstreaming is to ensure that human rights are integrated consistently and coherently in CSDP Missions in line with the core values of the EU as set out in the Treaties. The long-term objective of human rights mainstreaming is to ensure that societies are resilient, inclusive and democratic, and enjoy lasting peace. By mainstreaming human rights, we ensure that the mandate implementation is sustainable. CSDP Missions only have a limited presence on the ground in terms of duration, which makes it all the more important to anchor any activity in a longer-term vision and ambition, central to which should be the enjoyment of rights by everyone within a certain jurisdiction. All CSDP Missions are expected to mainstream human rights.

Scope

These guidelines are directed at **all** CSDP Civilian Mission management and staff members. They will help to mainstream human rights consistently and coherently in the internal and external activities of Missions through the adoption of a human rights-based approach (**HRBA**). Implementing these guidelines will foster a uniform and recognisable CPCC-wide approach to this work.

B.   Human rights standards, values and principles

Human rights standards

Human rights constitute moral principles or norms that describe standards of human entitlement, which must be protected in national and international law. They are rights which are inherent in all human beings, regardless of age, ethnic origin, location, language, religion, ethnicity or any other status, and to which a person is entitled simply because they are a human being.

International human rights standards are set out in international binding and non-binding declarations and treaties prepared by intergovernmental organisations. The Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948, is generally accepted as setting out the fundamental norms that everyone should respect and protect.   A series of international human rights treaties and other instruments adopted since 1945 have conferred legal form on inherent human rights and developed the body of international human rights. Other instruments have been adopted at the regional level, such as the European Convention on Human Rights and Fundamental Freedoms, the African Charter on Human and People's Rights and the American Convention on Human Rights. Most states have also adopted constitutions and other laws, which formally protect basic human rights. Whilst international treaties and customary law form the backbone of international human rights law, other instruments contribute to its understanding, implementation and development such as for instance the UN Standard Minimum Rules for the Treatment of Prisoners (the 'Nelson Mandela Rules').

Values

The core values of human rights are distilled from Article 1 of the Universal Declaration of Human Rights, which states that '*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.'*

Human rights can be understood as defining the basic standards which are necessary for a life of dignity. They are defined through values such as peace, freedom, equality, non-discrimination, tolerance, justice, accountability and solidarity. Ideally, they should be

protected by the rule of law. Human rights also give the responsibility to all for their community and vis-à-vis the rights of others[5].

Principles of human rights

Human rights are universal and inalienable, indivisible, interdependent and interrelated. They are *universal* because everyone is born with and possesses the same rights, regardless of where they live, their gender or race, or their religious, cultural or ethnic background. They are *inalienable* because people's rights can never be taken away. They are *indivisible* and *interdependent* because all rights – political, civil, social, cultural and economic – are equal in importance and none can be fully enjoyed without the others. They apply to all *equally*, *without discrimination*, and all have the right to *participate* in decisions that affect their lives. Rights-based approaches require a high degree of participation by communities, civil society, minorities, women, young people, indigenous peoples and other identified groups. They are upheld by the *rule of law* and strengthened through legitimate claims for duty-bearers to be *accountable* to international human rights standards.

'Do no harm' principle

The '*do no harm*' principle aims to avoid exposing people to additional risks through our own action. 'Do no harm' means taking a step back before an activity is rolled out in order to look at the broader context, mitigate potential negative effects, or avoid unintended contribution to violating human rights, human security, the social fabric, the economy or the environment. It also means that this process should start during the planning phase and be repeated constantly during operational implementation.

EU values

Respect for human rights is a **core value** of the EU[6].

> ***The EU's actions on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in a wider world: democracy, rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.***[7]

This means that Mission members have a duty not only to guide and assist host authorities in implementing their human rights obligations, but also to carry out their own responsibilities and tasks in a way that ensures these values and principles are respected.

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[5] Universal Declaration of Human Rights, UN General Assembly Resolution 217A, December 1948, Article 1.

[6] Consolidated version of the Treaty of the European Union ('TEU'), Official Journal of the European Union, C83, Volume 53, 30 March 2010, Article 2, reaffirmed in the Charter of Fundamental Rights of the European Union (2000/C364/01)

[7] Consolidated version of the Treaty of the European Union ('TEU'), Official Journal of the European Union, C83, Volume 53, 30 March 2010, Article 21.

C. What is human rights mainstreaming?

Human rights mainstreaming is both a process and a commitment. As a **process,** it means:

> *The **protection of human rights should be systematically addressed in all phases of CSDP operations**, both during the planning and implementation phase, including by measures ensuring that the necessary human rights expertise is available to operations at headquarter level and in theatre; training of staff; and by including human rights reporting in the operational duties of ESDP Missions[8].*

Mainstreaming human rights in CSDP Missions refers to the overall process of integrating a human rights-based approach in all Mission policies and actions so as to promote, protect, respect and fulfil human rights both in internal and external activities, in line with the fundamental values of the EU as set out in the Treaties and reaffirmed by Member States in the Strategic Framework on Human Rights and Democracy and its related Action Plan on Human Rights and Democracy 2020-2024.

FIG. 1: HUMAN RIGHTS MAINSTREAMING PROCESS

In order to ensure human rights mainstreaming in CSDP Missions' mandate implementation, the methodological tool to be used is the human rights-based approach (HRBA). In this respect, please also refer to the Mission Model Structure: Annex E provides guidelines for effective mainstreaming and the role of mission advisers.[9]

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[8] Paper on mainstreaming human rights across CFSP and other EU policies, Council of the EU, 2006
[9] Guidelines to design civilian CSDP mission specific organisational structures (Mission Model Structures), EEAS (2021) 278, dated 17 March 2021

Human rights-based approach

While there is no universal operational guidance on HRBAs, and each actor has developed their own, the key attributes of a HRBA are recognised universally as the following:

➢ A HRBA is a methodological framework that is anchored **in human rights law and standards**.

➢ It acknowledges that human rights are **universal, inalienable and indivisible** – all human rights, whether economic, political, civil, cultural or social, are of equal validity and importance.

➢ A **HRBA** is based on the idea that **all programmes/activities must further the realisation** of human rights.

➢ It identifies **right-holders** and their **entitlements,** and corresponding **duty-bearers** and their **obligations**, and it works towards strengthening the capacities of right-holders to make their claims and of duty-bearers to meet their obligations.

➢ It is grounded on the principles of participation, accountability, non-discrimination, empowerment and legality (the 'PANEL principles').

A HRBA places equal importance on **results** and **processes.**

Nowadays, a HRBA is applied widely within the UN system and by the EU and individual Member States in the context of development cooperation.
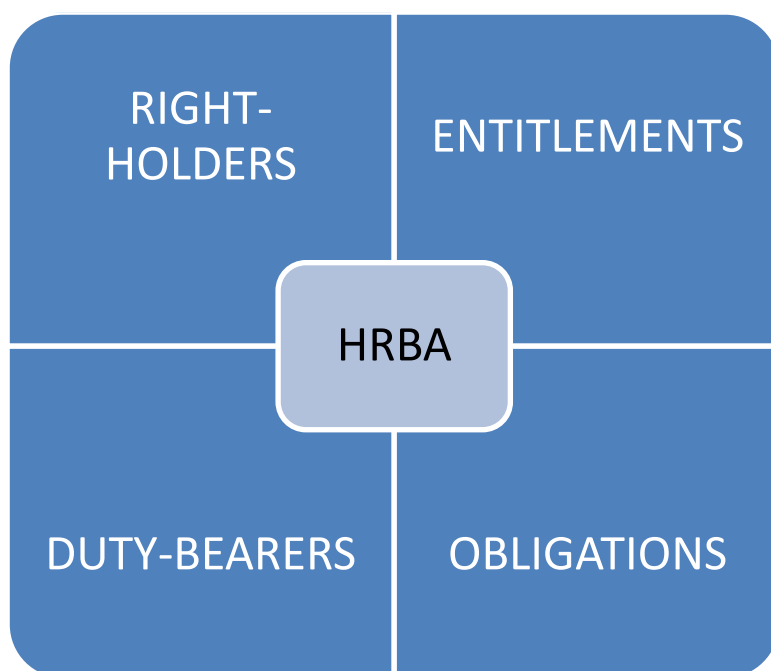

FIG. 2: HUMAN RIGHTS-BASED APPROACH

On the one hand, a HRBA relates to the ability and accountability of individuals and institutions who are responsible for respecting, protecting and fulfilling rights, and on the other hand, it relates to empowering people to know and claim their rights. Concretely, this means increasing the awareness of the authorities that are responsible for respecting, promoting and protecting human rights to enable them to recognise and to respect those rights, and to make sure they can be held to account. It also means making people aware of their rights as individuals and giving them greater opportunities to participate in shaping the policies and decisions that impact on their rights. It changes the analytical approach and integrates the achievement and fulfilment of human rights into the design, implementation, monitoring and evaluation of all policies and programmes.

Obligations to respect, protect and fulfil

The obligations of states with regard to human rights of individuals and groups within their jurisdiction can be divided into three categories; 1) obligation to respect, 2) obligation to protect and 3) obligation to fulfil. This means that all security and justice actors (the Missions' counterparts) must also respect, protect and fulfil human rights within their respective roles and competences. More precisely:

Respect – this means that authorities must refrain from interfering with the enjoyment of human rights by individuals and groups.

Protect – this means that the state must protect individuals against abuses by non-state actors or private parties and in some circumstances from natural disasters.

Fulfil – this means that states must take positive action to ensure that human rights are realised in practice.

> *Protection of human rights and the rule of law are key to sustainable conflict resolution and to lasting peace and stability. Human rights violations are part and parcel of crises. The promotion of human rights ... [is] key to sustainable conflict resolution and to lasting peace and security.[10]*

Respecting, protecting and fulfilling human rights will increase the public's confidence and trust in government institutions, which is critical in conflict prevention and stabilisation. Human rights have a crucial role to play in tackling the root causes of internal and external security challenges, such as terrorism, irregular migration and organised crime, as well as new (emerging) security challenges, such as climate change. The promotion and protection of human rights is central to an effective strategy to counter these challenges, not only to prevent a violation of human rights (including the most fundamental human rights, such as the right to life) but also to prevent gross violations of human rights that are the root cause of conflict. To make governments accountable by developing and supporting civil society and thus ensure local oversight plays a crucial role in this respect.

While only states can be parties to international treaties, it is increasingly recognised that non-state actors exercising government-like functions and control over a territory and a population (e.g. *de facto* authorities) have obligations under human rights law. It is important to note that where a state has lost effective control of part of its territory, it remains under an obligation to take all appropriate diplomatic, economic, judicial and other measures in its power to protect the human rights of the population living in the part of its territory that is outside its control.

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[10] *Mainstreaming human rights and gender into European Security and Defence Policy*, Compilation of Relevant Documents, brochure prepared by the General Secretariat of the Council, 2008, page 7.

D. The process of human rights mainstreaming

The PANEL principles[11]

To apply a HRBA, we use the PANEL principles to assist with the identification of right-holders and their entitlements and the corresponding duty-bearers and their obligations. **This in turn will** help right-holders to strengthen their capacities to make their claims and duty-bearers to meet their obligations.

PANEL Principles: a rights-based approach

P	articipation	Everyone has the right to participate in decisions which affect them. It must be active, free, meaningful and give attention to issues of accessibility, including access to information in a form and a language which can be understood.
A	accountability	Effective monitoring of human rights standards and remedies for breaches. There must be appropriate laws, policies, institutions, administrative procedures and mechanisms of redress in order to secure rights.
N	on-discrimination	All forms of discrimination in the realisation of rights must be prohibited, prevented and eliminated. Those in the most marginalised situations who face the biggest barriers to realising their rights must be prioritised.
E	mpowerment	Individuals and communities should know their rights and be fully supported to participate in the development of policy and practises that affect their lives and to claim rights where necessary.
L	egality	Rights must be recognised as legally enforceable and linked to national and international human rights law.

FIG. 3: STEP-BY-STEP APPLICATION OF A HRBA IN PRACTICE

STEP ONE: Perform a human rights analysis (desk research)[12]
- Identify the specific human rights at stake
- Determine how the local legal framework recognises the different rights and ensures effective implementation (applicability of international instruments, constitutional provisions, laws and relevant regulations, etc.)

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[11] www.hrbaportal.org
[12] See Annex I for more detailed guidance for the human rights analysis.

- Establish who the 'right-holders' are and what their specific entitlements are; establish who the 'duty-bearers' are and what their specific obligations are
- Identify gaps between human rights standards and the legal framework

STEP TWO: Examine the situation 'on the ground'
- Meet with duty-bearers, right-holders[13] and all informed actors to get their perspectives
- Identify gaps between the legal framework and its effective implementation
- Identify the root causes of these gaps and determine what is needed to fill them
- Identify specific vulnerable groups and groups at higher risk of discrimination

STEP THREE: Design the Mission's intervention
- Determine what the Mission can do about the gaps identified in consultation with right-holders and duty-bearers
- Design the Mission's activity so that it empowers right-holders to claim their rights and strengthens duty-bearers' capacity to fulfil their obligations
- Consult right-holders and duty-bearers when determining the Mission's concrete activities

STEP FOUR: Implement the Mission's intervention
- Ensure both right-holders and duty-bearers are engaged in/informed about the implementation of the intervention
- Maintain a focus on individuals and groups that are at higher risk of discrimination or are more vulnerable[14]

STEP FIVE: Assess the human rights impact of the Mission's intervention
- Determine to what extent the situation has changed in consultation with right-holders and duty-bearers, also taking into consideration the assessment of other actors
- Identify lessons
- Identify areas that were not or could not be tackled and that could be addressed in future interventions, thinking in particular about sustainability
- Assess both the outcome and the process

The above steps are also relevant in any *planning* process (which is further described below), because thorough analysis should be at the heart of any intervention. So, for instance, when a new Mission is to be established, step 1 contributes to the analysis needed for the CMC, step 2 is of utmost relevance for the Technical Assessment Mission followed by the core planning team, and step 3 is relevant for the Mission (during initial set up with the support of the Planning Team Step 4 coincides with (the monitoring of) implementation, and step 5 is relevant for the Mission's operational assessment in the lead up to a strategic review. This will be elaborated on further in the next chapter.

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[13] This implies, at a minimum, reaching out to civil society organisations representing right-holders, but it should also as a rule involve speaking to individuals who have been victims of human rights violations directly.

[14] Here the UN analysis and reports may be useful regarding discriminatory patterns and situations in the country

E.   Human Rights mainstreaming in your work

All staff members should adopt a HRBA in their work. This does not necessarily mean changing 'what' they do, but rather 'how' they do it. This can be achieved by conducting a human rights analysis as a basis for their work.

> **Human rights mainstreaming should inform the outcome and the process of a Mission's policies and programmes. It should be taken into account in all phases of the cycle of the Mission, i.e. analysis, planning and reporting, implementation, monitoring and evaluation, and review. In each of these phases, we need to ensure that a HRBA is adopted and that the impact of our planned/concluded action on people's rights has been considered.**

In this framework, human rights principles are a useful guide for the policy and programme design and implementation process, while human rights standards can be especially useful in guiding the formulation of desired outcomes. The Mission's OPLAN will contain benchmarks as a means of measuring progress. Progress is measured by taking a baseline situation and setting out certain tasks that must be completed to achieve a goal and work towards mandate implementation, which is measured using indicators developed in conjunction with the Mission's human rights adviser (HRA). This allows the Mission not only to measure progress on the task but also to determine whether that progress has been achieved with full integration of human rights (see Annex IV for examples).
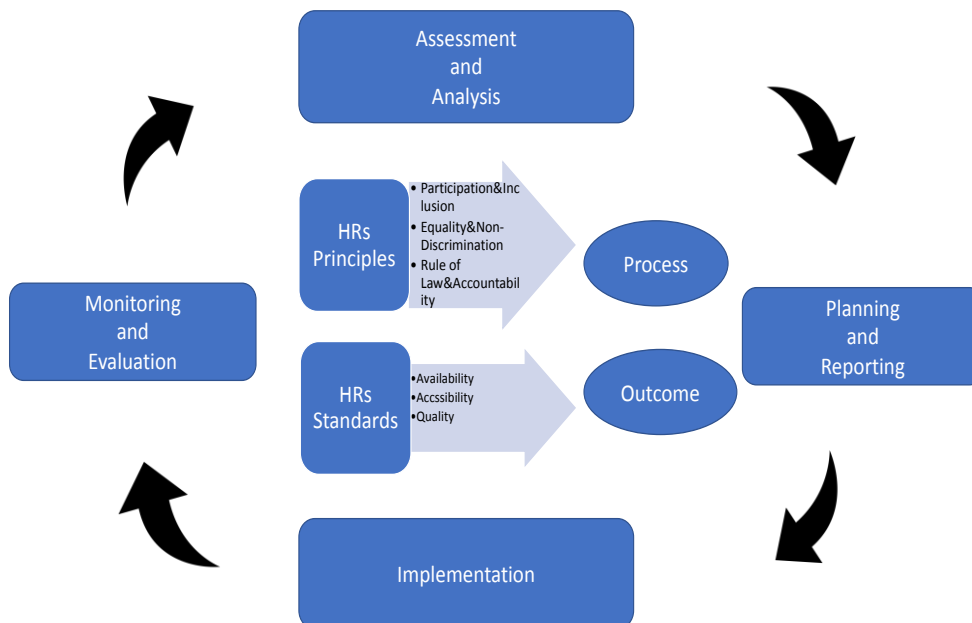
FIG. 4: INTEGRATION OF HUMAN RIGHTS MAINSTREAMING IN ALL PHASES OF THE MISSION'S CYCLE

Human rights analysis

As mentioned above, human rights mainstreaming must be included in all phases of the operations cycle, i.e. analysis, planning, implementation, reporting, monitoring and evaluation, and review. In each of these phases, we need to ensure that the situation/perspectives of duty-bearers and right-holders as well as the impact of our

planned/concluded action on each of these groups have been considered. Effective human rights mainstreaming begins with a human rights analysis.

Apart from the PANEL principles outlined above, another toolbox for conducting a **human rights analysis** can be found in Annex I. All Missions, including Monitoring Missions, should conduct and report on the human rights analysis.

HRBA and gender mainstreaming are complementary and mutually reinforcing strategies that need to be undertaken in parallel. While gender mainstreaming is a process to integrate a gender perspective into all actions to ensure that these are carried out in a gender equal way, a HRBA integrates and safeguards women's human rights, including the prohibition of discrimination based on sex or gender.

Planning

Planning teams should consider human rights aspects at every stage of the planning process (see Annex I and IV). This goes for the very early stages of scoping and design as well as for planning at HQ level, in relation to developing the OPLAN for instance, but it is also a requirement for Missions when developing a Mission Implementation Plan (MIP) and projects. The main point is to ensure that human rights are mainstreamed as a crosscutting issue. Annex IV provides further guidance on the development of human right indicators for inclusion in the MIPs/benchmarking.

With expertise on board, entry points for human rights mainstreaming and targeted actions on human rights can be identified from the outset and included as indicators in the planning of MIPs and projects. Sustainability and capacity building are the main factors to be considered when initiating human rights-related projects. For some Missions, trust building is important and the Mission should consider civil society engagement from the outset.

Hence, in planning operations or activities, planners should include relevant human rights expertise.

During the planning process, consider the multiple components related to human rights, depending on the specific Mission mandate and available resources:

- ➢ Include relevant EU policy documents on human rights and civil society engagement among the key reference documents for operational planning documents.
- ➢ At HQ-level: provide instructions (through the OPLAN) on how human rights should be integrated into the Mission and its operations.
- ➢ Establish the internal and external human rights-related objectives of the Mission.

MIP and projects

The HRA should be included in the planning of all MIP/QIP and projects to provide information and to assist in mainstreaming human rights, in line with the Mission mandate.

With respect to project planning, it is important to include the target groups in the project formulation phase to assess their involvement and possible ownership. The result of the human rights analysis and its implications for the project proposal must be described in detail and included in the project proposal. It could happen, for instance, that new target groups may need to be considered or re-prioritised as a result of the human rights analysis. Depending on the project, *direct involvement* of the HRA, specific NGOs or other stakeholders might be appropriate.

Asking the following questions will help to ensure that a human rights perspective is integrated during the planning processes for MIP/QIP and projects. The information collected as a result can be used in the regular reporting on the operation's implementation.

Include questions such as:
- ➢ Has the principle of 'do no harm' been considered?
- ➢ Have there been any earlier efforts with the same objectives? How successful were they?
- ➢ Which government agencies and NGOs with a focus on human rights might contribute to the project, financially or with expertise?

Reporting

The respect for human rights is to be integrated in all reporting[15]. Reports should reflect challenges, developments and achievements identified by the Mission concerning human rights, where applicable. The role of the local counterparts and/or the Mission in relation to these developments should be described analytically. Content provided by the Mission should be classified in accordance with applicable security regulations.

Typically, reports include:
- ➢ good practices in terms of human rights mainstreaming activities, and an assessment of their contribution to the effectiveness of the Mission;
- ➢ information on consultations with local and international non-state actors promoting human rights equality.

Specific stand-alone human rights mainstreaming thematic reporting in a Special Reports format shall not be prepared per Mission. A Mission may still prepare thematic reports on dedicated gender or human rights issues.

As of 2021, there will be two annual specific reports on human rights and gender respectively, covering all Missions. For 2021, these may take the form of pilot reports highlighting examples from a number of civilian CSDP Missions and the RACC. As of 2022, these two reports will cover all civilian CSDP Missions and the RACC. CivOpsCdr will be issuing specific instructions regarding these reports, to be coordinated by the CPCC human rights expert.

Annual report on the Mission's internal human rights action plan (HRAP)

As mentioned above, Missions will be required to draft an annual report on human rights and human rights mainstreaming implementation in their Mission. Annex III provides a template for the report. CPCC will use this report to draft a single annual report on human rights mainstreaming for CIVCOM. The issues to be covered are as follows:

- ➢ Is the HRA deployed close to the level of senior management (e.g. in the Office of the Chief of Staff, as per the Mission Model Structure)? Is he/she able to participate in and influence strategic processes?

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[15] Revised Reporting Guidelines for Civilian CSDP Missions, ST 7716/21, 9 April 2021

- ➢ Do the strategies/operational plans reflect a human rights perspective?
- ➢ Has the Mission's human rights action plan/strategy been evaluated and have recommendations been taken into account?
- ➢ Does the situational analysis include a human rights perspective? Are there any crucial trends that need to be addressed? Are there any areas/issues that the Mission has not considered so far, for example in regard to human rights equality and/or human rights-based violence?
- ➢ Has the HRA been able to provide input into the review process, for example in relation to the situational analysis?
- ➢ Have staff been trained on human rights mainstreaming, and specifically on how to integrate a human rights perspective in their area of expertise?
- ➢ Is a human rights perspective systematically taken into account in monitoring and data collection?
- ➢ Has there been an evaluation of the interaction with civil society, within 'mainstream' civil society organisations (CSOs)? Is there a need for new strategies?
- ➢ How do you assess the effectiveness of your internal and external human rights mainstreaming process? Is there any need for adjustments?
- ➢ What are the lessons identified, including good and bad practices in terms of human rights mainstreaming? Is there any need for adjustments?

Mandate implementation

During implementation, functional experts (or project managers), their line managers and the HRA should regularly evaluate the extent to which human rights are being mainstreamed as per the Mission's planning documents, as well as how human rights are being mainstreamed by the counterparts (e.g. in the development of national strategies and plans). It is not uncommon, during the implementation phase, for earlier projections to be frustrated by the prevailing dynamics of the day. Timely corrective interventions and persistence with counterparts are then needed. For example, the Rule of Law Department should support legislative drafting in consultation with civil society, specifically with human rights organisations focusing on minorities. Is this happening? If not, how can this be addressed? What follows is some general advice for each of the (most common) mandate types:

CSDP Civilian Missions are deployed with various mandates, including to 'mentor and advise', to 'monitor', and to 'train', or with 'executive powers'. The Mission's mandate may already involve specific tasks related to human rights. In addition, each mandate and context calls for a customised human rights approach, to be adjusted to each specific situation.

For **Monitoring Missions/Missions with a monitoring component**: their mandate is to report on developments on the ground and to influence change where possible, but also to demonstrate good practice and gain credibility. Human rights monitoring is part of such Missions' broader monitoring presence. Its ultimate objective is to reinforce the duty-bearers' responsibility to respect, protect and fulfil human rights. Monitoring the conduct of duty-bearers helps to reinforce their accountability. Furthermore, in these contexts, Missions can also play a preventive role, deterring human rights violations through their visible presence on the ground.

For **Executive Missions/Missions with an executive component**: the same rationale applies, although it is more pronounced because of the human rights implications. All strategies, policies and activities should be scrutinised to make sure that they comply with the human rights obligations of the Mission. The Human Rights Due Diligence Policy, set out in Section H, is pertinent.

For **Mentoring and Advising Missions/Missions with a mentoring and advising component**: their mandate is to be able to effectively support counterparts, who should be the prime owners of implementation. This is because the effects of the implementation of any advice or recommendation may impact on the citizens as right-holders, and without appropriate advice, they may not be able to exercise those rights and may not be considered in the change process envisaged by the institutions.

For **Capacity Building Missions/Missions with a training component**: their mandate is to ensure that the recipients of training – the counterparts – are aware of their duties as duty-bearers, and to reinforce the duty-bearers' accountability towards the people as right-holders.

Human rights action plan

Each Mission is strongly encouraged to draft an internal **_Mission human rights action plan_** **(HRAP)** within the context and framework of the Mission's mandate. Once approved by the HoM, the HRAP should be shared with CPCC. A HRAP reflects how the Mission aims to contribute to EU policies pertaining to human rights mainstreaming and it outlines the 'what', 'how' and 'who' of its implementation. Progress and impact should be evaluated as part of the annual report on human rights to be prepared for CPCC (see p. 15). A HRAP template for CSDP Missions is attached at Annex II.

Monitoring and evaluation

Monitoring and evaluation (M&E) should systemically take into account all human rights aspects identified during the planning phase, including those in the Mission's HRAP. If specific human rights indicators and projected results have been included in the MIP/QIP and project documents, the M&E process related to human rights will be easier. Third-party perspectives, including from counterparts, intended beneficiaries and the local population, are necessary for M&E. Local and international NGOs can provide a sound and critical evaluation of the Mission's impact to be integrated into the M&E.

Strategic review

Although strategic reviews are conducted by ISP.3, and the EU MS are the ultimate decision makers, the HoM and CivOpsCdr will give decisive input. HRAs will be consulted in order to have a human rights perspective accurately integrated into all aspects of the review phase. They will take stock of and evaluate the achievements of the internal and external human rights mainstreaming strategies and suggest improvements. HRAs may use the checklist mentioned above for the annual report.

HRBA and security sector reform (SSR)

The HRBA brings human rights mainstreaming down to a more concrete level. Firstly, it adds an additional element by raising awareness about human rights implications. It integrates the fulfilment of rights as an essential condition and key leverage for achieving 'security'. Secondly, it integrates the fulfilment of rights as a component of the needs analysis. Therefore, all SSR policies, programmes and related activities implemented using a HRBA are aimed at concretely and directly contributing to the realisation of human rights. It is a comprehensive and structured approach and the ultimate form of reconciliation between security (including **human security**) and human rights.

The HRBA aims to ensure that SSR programmes deliver tangible benefits, including better protection and the concrete fulfilment of rights under local ownership. It is therefore a **common-sense approach** focused on improving the quality of mandate delivery. In framing CSDP Mission activities with a HRBA, groups or individuals become right-holders and government officials who have a duty to respond become duty-bearers.

For example, a Mission should ensure that SSR and rule of law activities do not focus exclusively on capacity building within the counterpart's institutions and fail to consider the rights and access of the end users in the system. Otherwise, the intervention risks becoming redundant. The HRBA deepens the analysis of the root causes of instability. It ensures that SSR does not merely mechanically focus on the institution, but rather efficiently addresses the root causes of the problems from both a top-down and a bottom-up perspective. In this sense, it represents the last layer of CSDP quality improvement based on human rights principles and standards and gives a modern sense of like-minded cooperation.

Relevant elements of good practice under a human rights-based approach

➢ Activities include the realisation of human rights as ultimate goals.
➢ People are recognised as key claimants of services, rather than passive recipients.
➢ Participation is both a means and a goal.
➢ Strategies are empowering, not disempowering.
➢ Both outcomes and processes are monitored and evaluated.
➢ Activities focus primarily on marginalised and excluded groups.
➢ The reform/institution-building process is locally owned.
➢ Activities aim to reduce inequalities.
➢ Situation analysis is used to identify relevant immediate, underlying and root causes of human rights violations.
➢ Analysis includes all stakeholders, including the capacities of the state as the main duty-bearer and the role of other non-state actors.
➢ Human rights standards are included in the formulation of measurable goals, targets and indicators in implementation plans.
➢ National accountability systems need to be strengthened with a view to ensuring an efficient and independent review of government behaviour and access to remedies for aggrieved individuals.
➢ Strategic partnerships are developed and sustained.

Receipt of claims of human rights violations

As representatives of the international community in a host country, a Mission should have standardised modalities for it to facilitate receiving claims of human rights violations, regardless of the alleged perpetrator, and to make reporting uniform[16]. This may be done by included a reporting link on the Mission's website.

> In 2009, the EU established a Human Rights Review Panel to review alleged human rights violations by EULEX Kosovo, in the exercise of its executive mandate. The Panel is an independent, external accountability body, which performs its functions with impartiality and integrity. For more information see www.hrrp.eu.
> It complements the overall accountability of EULEX, which includes the Mission's Internal Investigation Unit and the EULEX Third Party Liability Insurance Scheme as well as an internal Code of Conduct and Discipline Code.[17]

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[16] Lessons and best practices of mainstreaming human rights and gender into CSDP military operations and civilian missions (17138/1/10)
[17] Ibid.

F.   Leading by example

The Mission's leadership must show commitment and take a hands-on approach so as to change mindsets and behaviours. Managers lead by example. Their role is decisive when it comes to maintaining high professional standards, including in relation to integrating a human rights perspective into work streams. Below is a list of some key areas (in addition to planning and conduct) where a human rights perspective should be included, i.e. in human resources management, and staff training.

Senior Management Team meetings
Human Rights issues are to be included in the SMT agenda on a regular basis. This includes a report on the mainstreaming activities, civil society engagement, cooperation with other international and local actors, and human rights risk management activities. The HRA should be included in all senior management meetings, including the SMT.

Human resources
➢ No discrimination based on sex, gender, age, religion/belief, disability, sexual orientation, or nationality (including local vs international staff) in recruitment, remuneration, benefits, training opportunities, responsibilities
➢ Equal opportunities for accessing training opportunities
➢ Code of conduct and general standards of behaviour (strict zero tolerance policy on harassment, exploitation, abuse)

Staff training
It recommended that all CSDP staff should receive obligatory pre-deployment training on human rights and be briefed on the general principles and main human rights issues relevant to their mission and area of operations. They should be informed about best practices for integrating human rights into their mission/operating activities. While this has been implemented to a great extent, these guidelines will help to cement good practice in this field.

Pre-deployment training
Must include agreed-upon standard baseline-level training on human rights, international human rights law, international humanitarian law, the EU Human Rights Action Plan, human rights mainstreaming in Missions, the human rights-based approach in Mission implementation, the 'do no harm' principle, human rights due diligence.

Induction training in the Mission and/or dedicated training for all staff
Must include agreed-upon standard baseline-level training on human rights, international human rights law, international humanitarian law, the EU Human Rights Action Plan, human rights mainstreaming in Missions, the human rights-based approach in Mission implementation, the 'do no harm' principle, human rights due diligence.
Mission-specific examples and guidance.

Expert-level training on human rights (mainstreaming) for human rights advisers (including participation in external training)
Opportunity to access external training, either through the Civilian Coordinator for Training (CCT) or a different institute.

Leading by example - externally

Planning of activities and implementation of activities – checklist:

- Location, timing, conflict sensitivity, transformative approach
- HRBA
- Ensure that there is human rights content in *all* activities
- At a minimum, distribution of written material
- Ideally, a dedicated session on human rights delivered by the HRA or an external expert
- Monitoring and evaluation; do no harm
- Ensure that human rights are addressed by senior mission management when speaking at external events (human rights diplomacy).

G. Structures for human rights mainstreaming

In order to successfully mainstream human rights, the **human rights adviser** (HRA) is placed at a senior and strategic level, who focuses on policy and external coordination, but also on internal processes and on operational compliance with the Mission HRAP. Please consult the Mission Model Structure and the Force Generation Handbook Job Descriptions in this respect.

Management and Mission staff responsibility[18]

The HoM is ultimately accountable for the mainstreaming and integration of a human rights perspective and has to report to CPCC every year (see above under HR action plan + annual report) on the extent to which objectives concerning human rights have been delivered and followed through. On a day-to-day basis, this responsibility trickles down to senior and mid-level management and to all Mission staff. HoMs and Mission management are responsible for ensuring that all staff can carry out a basic human rights analysis and integrate a human rights perspective into their daily work.

It is equally important that the HoM and senior Mission staff actively engage in networking with decision makers, civil society and other stakeholders to promote an agenda for human rights equality and for the integration of a human rights perspective in the security and justice sectors and in the dialogue between the conflict parties aimed at finding solutions to the human security challenges of the conflict-affected communities, where relevant. Addressing human rights can also be a vehicle for accomplishing other objectives, which should be actively utilised to enhance the Mission's footprint.

Human rights adviser

According to the Mission Model Structure[19], the Human Rights Adviser (HRA) is responsible to provide advice to the HoM and mission management on human rights standards and policies relevant to the Mission mandate and ensures internal coordination and consistency in the area of human rights. The HRA also assists in and promotes the "human rights-based approach" in the work of the Mission in internal as well as external activities. The HRA contributes to the identification and assessment of risks, risk mitigation and management, of

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[18] Guidelines to design civilian CSDP mission specific organisational structures (Mission Model Structures), EEAS (2021) 278, dated 17 March 2021

[19] Guidelines to design civilian CSDP mission specific organisational structures (Mission Model Structures), EEAS (2021) 278, dated 17 March 2021

adverse human rights impact by the Mission itself and through the support to its counterparts (human rights due diligence). The HRA should be organisationally located in the Office of the Chief of Staff but should report on substance to the HoM. The HRA must take part in senior management meetings in order to give advice and have access to the information necessary for effective human rights mainstreaming. Such a central position also gives the HRA the required leverage and backing for human rights mainstreaming across the different Mission divisions and enables them to work closely with operational management.

The main role of the HRA is to provide advice to senior management on human rights mainstreaming in relation to the implementation of the Mission's mandate. That advice concerns internal and external activities and should be based on a HRBA. Depending on the Mission's mandate, the HRA's role can vary. The HRA also works closely with Operations and PPIO, advising them on human rights aspects of the mandate implementation, as well as ensuring that human rights are mainstreamed and human rights issues are promoted. Externally, the HRA works directly or indirectly (e.g. through functional experts and mentors) with local counterparts from the host state, for example in the process of drafting legislation or in capacity building for local institutions. Internally, the HRA works closely with Mission management and other Mission members and provides strategic and operational advice and support. The HRA should be consulted on policy documents, projects and programmes, external engagement, MIPs, reports, etc. HRAs design and deliver internal human rights training for staff members, including induction sessions.

Overall, HRAs are facilitators and catalysts. They identify issues, support and advise, but they are not ultimately responsible for human rights mainstreaming in their Mission. This remains the responsibility of the HoM supported by **all** the Mission members.
The HRA contributes to the identification and assessment of risks, risk mitigation and management, of adverse human rights impact by the Mission itself and through the support to its counterparts (human rights due diligence), and does so in close coordination with the Mission's LEGAD.

Network of Missions' HRAs

CPCC has established a network of HRAs, which meets on a bi-monthly basis together with the Missions' gender and civil society coordinators. The network's main purpose is to establish best practice and facilitate the continuous sharing of lessons and updating of Missions' policies on human rights, gender and civil society, in line with the most recent guidelines and concepts from Member States. The network's annual meeting in Brussels is coordinated by CPCC's Rule of Law and Human Rights Expert(s) and is organised jointly with the military CSDP Missions and operations and their HQ.

Press and Public Information Office & strategic communications

Promoting human rights as one of the fundamental values of the EU is an obligation that stems from the Treaties. Promotion covers several areas:
- ➢ Advocating for or addressing an issue in public channels of communication and outreach activities of the Mission
- ➢ Including human rights topics in presentations for external or internal audiences
- ➢ Including human rights as an explicit part of strategic and key messages (see more below)

Outreach, visibility and communication are a team effort and not just the responsibility of the HoM or PPIO. All Mission staff are involved in representing the Mission and should consider it an obligation to integrate human rights into its work, with the assistance of the HRA.

The PPIO and the HRA should draw up strategic communications advice on tailoring messages and tackling resistance as a support function for the Mission staff involved in outreach and visibility activities.

Strategic messages

The Mission PPIO should manage a list of strategic messages. At least one should concern human rights specifically. The HRA should provide the content to the PPIO and the PPIO should then adapt it into an effective message. In general, strategic messages should be human rights-mainstreamed and observe the rules of human rights-sensitive language.

Key messages may be relevant for individual projects/activities as well as for the Mission as a whole. Key messages are also indicators that the project/activity has been human rights-mainstreamed. The Mission should issue or support joint statements with other EU actors when appropriate.

Role of mission leadership

For all staff, but especially senior management to underline human rights and reflect principles in all interaction with host authorities (human rights diplomacy). See Section F on 'Lead by example' above.

Engagement with international actors & civil society (including NHRI)

Implementing the EU's agenda and ensuring effective human rights mainstreaming in order to achieve adherence to human rights are a goal and a responsibility shared by most international and national organisations in Missions' host states, with some of those organisations being leaders on the topic. Within this context, Missions should map these other in-country 'human rights stakeholders' in order to include their respective roles and responsibilities and to seek coordination, synergies and complementarity. The HRA plays a key role in establishing relationships and liaisons with these partners.

EU human rights community of practice

The EU and its Member States actively promote human rights, human rights mainstreaming and the HRBA. Through the Integrated Approach to External Conflicts and Crises[20], cooperation among all EU actors within a Mission's theatre of operations (including EUSR, EU Delegations, EU CSDP Missions, and EU MS) is required. The Integrated Approach also requires active implementation of crosscutting issues, such as human rights mainstreaming, and Missions must reflect on the implementation of the HRBA in their reports to CPCC. The EU has a dedicated EUSR for Human Rights, who may be active in the host state (EU Human Rights Dialogues).[21]

Country-level assessment/cooperation with the EU Delegation

Collaboration with EUDEL, including joint representation on human rights, should be ensured whenever possible (joint meetings, sharing of information, joint planning, etc.).
The EU Action Plan on Human Rights and Democracy 2020-2024 recognises the leading role of CSDP Missions in promoting and protecting human rights and supporting democracy, and in implementing the action plan at country level. EU Delegations are asked to develop

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[20] The Global Strategy for the EU's Foreign and Security Policy, June 2016; Council conclusions on the integrated approach to external conflicts and crises. 22 January 2018 (5413/18)
[21] EU guidelines on human rights dialogues with non-EU countries, 22 December 2008 (16526/08)

country strategies on human rights and democracy that reflect the priorities of the action plan, taking into account the country-specific context. The HRA is well placed to contribute input specific to the Mission's mandate. The Mission's human rights country strategy may form a basis for a country-level assessment to be done by any HRA/Mission. A country-level assessment may consider the legislative framework, e.g. access to justice/redress. Are the rights referred to in the HR treaties protected in the Constitution or in other laws? Is data available on human rights abuses? This is effectively an assessment of the human rights situation in the host country.

Other international stakeholders

It is established practice for CSDP Missions to collaborate with UN Agencies in the promotion of human rights. The HRAs are principally responsible for supporting the Mission through liaison and engagement of this kind. Besides this, all staff should consider, from their respective positions and responsibilities, whether it would be useful to create strategic alliances and collaborate on certain activities with OHCHR or other UN and international partners depending on the local circumstances, e.g. with NFPA, UNDP, UNICEF, OSCE, NATO, Council of Europe, or INGOs, CARE, IRC, EPLO, Save the Children, ABD, EBRD, ICRC, IFRC. All partnerships are encouraged but should be established in coordination with the Mission's HRA.

National/local stakeholders

A profound awareness and understanding of the local context is key to any Mission's success, in addition to observing the principle of local ownership. While human rights responsibilities primarily lie with the core counterparts (usually government institutions within the justice and security sectors), those counterparts need to be made aware of their human rights obligations.

Missions should seek to collaborate with human rights offices of the host country, and if possible, contribute to the national human rights action plan.

Civil society

It is important to reach out to civil society organisations (CSOs) and other non-state actors to ensure buy-in, credibility and cross-societal consensus.[22] At a minimum, civil society should be aware and informed. When interacting with CSOs, the HRA may seek information regarding the human rights dimensions of their mandate. Such information could pertain to (conflict-related) crime, human rights-based violence, access to fair justice, or human trafficking, as well as to the existence and ramifications of national legislation on human rights. Lastly, depending on their mandate, Missions could seek to build capacity, or to empower and enable CSOs working on the promotion of human rights. It is important to link the HRBA to the concept of human security and ensure that all activities reflect a people-centred approach in line with the EU strategic framework to support SSR[23]. CPCC will issue Operational Guidelines on Civil Society Engagement in 2022. Civil Society Advisers/Coordinators are invited to the Human Rights and Gender Network meetings as a matter of course.

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[22] Recommendations for Enhancing Cooperation with Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs) in the Framework of EU Civilian Crisis Management and Conflict Prevention (15741/06)

[23] 'Elements for an EU-wide strategic framework to support Security Sector Reform (SSR)' JOIN (2016) 31 final

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H.   Human rights due diligence guidance

Why is HRDD relevant in the context of CSDP?

Apart from ensuring that we mainstream human rights in all of our activities, we also need to ensure that the support given to third parties is consistent with our values and the underlying principles of human rights.

In the context of crisis management, Missions frequently provide support to non-EU security and defence forces. The conflict and crisis situations that Missions address occur in difficult contexts often characterised by violence, political instability and inadequate national capacities, where compliance with international human rights and humanitarian law is often a great concern. For this reason, Missions must ensure that reasonable care is exercised before providing support to non-EU security forces by identifying, assessing, mitigating and managing the human rights-related impacts of such support. Taking a human rights due diligence (HRDD) approach also makes it possible to safeguard the EU's image as a legitimate and credible actor.

These guidelines aim to provide guidance to Missions in order to identify actual or potential risks to people by active engagement on this topic with counterparts, pointing out their duty to protect; engage in dialogue with counterparts to mitigate these risks; and to ensure that alleged or actual human rights violations are reported to CPCC, either immediately in case of grave violations, or in the Mission's regular reporting. This is a simple mechanism that can be integrated in the Mission's risk assessment analysis and is based on best practice as already developed by some of the Missions.

Human rights due diligence is to be seen as an integral part of capacity building, as the Mission will assist their counterparts in making sure that they are human right compliant, and are aware of their accountability towards the people.

EUBAM Libya has adopted 'hands-on' operational guidelines to HRDD, with a key role for the Mission's Human Rights Adviser. This enables the Mission to be able to operate in an extremely volatile environment, and ensures that human rights are put at the forefront of the Mission's engagement. These guidelines outline steps to be taken when organising external activities, trainings or meetings:

1. **Planning phase: Inform HRA immediately once a training/activity is being planned of thematic focus;**
2. **Identifying participants & partners – background check with other actors;**
3. **Selection of participants provided no red flags came up. Ensure attestations signed by participants attesting to not having committed serious human rights violations;**
4. **Risk mitigation and promotion of human rights: include training on human rights and international human rights law in all trainings, activities and meetings (and distribute handout with same information); consultation with CSO**
5. **Ensure an immediate evaluation carried out at the end of the activity including an evaluation of knowledge and understanding of a HRBA to the activity/training focus in question.**

What type of activities fall within the scope of Human Rights Due Diligence?

All forms of support that aim to build the strategic, operational and tactical capacity of the partner country's security sector and defence actors and of other counterparts fall within the scope of these guidelines. For example:

- ➢ training, mentoring, strategic advice, capacity and institution building and other forms of technical cooperation, which aim to build the operational capacities of counterparts (such as security forces, but also other security sector and rule-of-law actors);
- ➢ operational, strategic or tactical logistical support to operations conducted by third-party forces;
- ➢ financial support (e.g. daily subsistence allowances (DSA) or per diems, or any other transfers of funds to police, border, prison and security officials, or the armed forces);
- ➢ purchase and/or provision of equipment, furniture, vehicles or fuel (e.g. to enhance security measures);
- ➢ construction and/or improvements to infrastructure (e.g. police posts or military camps);
- ➢ joint operations.

In March 2019, EUCAP Sahel Mali organised an exchange on the implementation of UN Human Rights Due Diligence Policy. Human Rights Division of the MINUSMA made a presentation on this policy, its implications and its operationalisation in the context of the MINUSMA followed by a discussion. The aim of the exchange was to raise awareness of mission members on human rights due diligence principles, to discuss best practices and to feed into an internal discussion on how those principles could be implemented by EUCAP Sahel Mali. Follow-up activities such as analysing a concrete project or an activity of the EU mission in light of the human rights due diligence policy were agreed.

N.B. It is important to note that support aimed primarily at promoting compliance by the security forces with international human rights and humanitarian law falls outside the scope of this policy.

Human Rights Due Diligence Mechanism

The implementation of HRDD involves **four main phases**:

1. Informing the Missions' counterparts about the application of the HRDD;
2. Risk assessment and mitigating measures by the Mission;
3. Monitoring the conduct of counterparts and reporting;
4. Intervention when grave violations are committed (including suspension of support)

Informing the Missions' counterparts about the application of the HRDD

The Mission's counterparts should be regularly informed about the application of HRDD principles, including about the possibility of support not being provided should the risk be high, the possibility that support may be subject to additional mitigating measures, and the

possibility of support being suspended if a grave violation[24] is committed during the implementation phase of the support and appropriate action is not taken.

Risk assessment and mitigating measures by the Mission

The key component in implementing HRDD is a risk assessment, which should be conducted prior to the provision of support in order to identify and assess the potential adverse human rights-related impacts of the planned support. This should be seen as part of the capacity building process, as the Mission will most likely need to assist the counterpart in this process.

If necessary, the risk assessment should also identify mitigating measures to reduce the potential risk of human rights and IHL being violated as a result of the support. Again, here is where the Mission can assists the counterpart in putting these measures in place.

Elements of risk assessment:

- **Human rights record of the recipient organisation/entity**: compliance/non-compliance with international human rights and international humanitarian law.
- **Corrective and accountability record**: measures taken to hold the perpetrators of violations accountable or failure to take such measures.
- **Preventive mechanisms**: what measures exist to prevent the occurrence of human rights violations.
- **Legislative/policy framework**: possibility that existing policies or regulations may contribute to human rights violations.
- **Feasibility of the monitoring framework**: is monitoring the human rights impacts of the support provided feasible?
- **Risks in case the support is not provided**: what might happen if the support is not provided?
- **Reputational risks.**

Sources of information for risk assessment:

- Reports from the EU (EU Delegations, CSDP missions, EU Human Rights and Democracy country strategies, etc.)
- Public reports from the UN (Special Procedure mandate holders, UPR, UN Treaty Bodies, reports published by field missions)
- Internal security reports
- Intelligence reports by Member States, if available
- Reports of national human rights institutions and civil society organisations
- Reports from international human rights organisations (Human Rights Watch, etc.)
- Media reports

Risk mitigation measures

The identification of mitigating measures and their integration into support provided to non-EU security forces is an important part of HRDD. The purpose of such measures is to reduce

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[24] The following violations of international human rights and humanitarian law are considered grave violations: war crimes; crimes against humanity as defined under the Rome Statute of the International Criminal Court; gross violations of human rights or a pattern of repeated violations of international human rights and humanitarian law committed by a significant number of members of the unit. Gross human rights violations include but are not limited to: summary executions and extrajudicial killings; acts of torture; enforced disappearances; enslavement; rape and other forms of sexual violence.

the risk of security forces committing human rights violations and to ensure that appropriate response mechanisms are in place should a violation occur. Examples of mitigating measures include:

- Training and technical assistance on human rights and international humanitarian law
- Advocacy
- Conditionality and terms of reference
- Technical assistance and capacity-building measures
- Standard operating procedures
- Vetting (background checks)
- Exclusion of a person or unit involved in a human rights violation
- Accountability and corrective measures
- Adoption of legislation, policies, codes of conduct
- Monitoring and reporting
- Complaints reception mechanisms

Support should only be provided if the risk level is low or, if the risk level is medium, risk should be mitigated through mitigating measures. However, if there is a high risk of a potential human rights violation, the support should not be provided.

Monitoring and reporting mechanism
HRDD should be seen as an ongoing process. Once the risk assessment is completed, the mitigating measures approved and the support initiated, the situation should be continuously monitored. The purpose of monitoring is to detect human rights violations, ensure that an appropriate response is provided should the Mission be informed of alleged violations and assess the effectiveness of the mitigating measures.
Missions should systematically cover developments relating to the risk assessment and their monitoring activities in their regular reporting.

Reporting Mechanism for Grave Violations
Grave violations, whether actual or alleged/suspected should be reported immediately by the Head of Mission to the CivOpsCdr, with a copy to the Head of CPCC.1/Desk; CPCC Legal Adviser; and the CPCC Human Rights Expert.

Intervention when grave violations are committed
When monitoring reveals that a grave violation may have been committed, the HoM should bring this to the immediate attention of CPCC as well as to other EU and international actors and the relevant authorities. Depending on the outcome of this communication, several options are available, including the suspension or withdrawal of support. Taking into account all the potential implications for the Mission, in case of substantial grounds for believing that security forces receiving support from it are committing grave violations of international humanitarian and/or human rights, the Mission should coordinate on the issue with CPCC in a timely manner as it may impact on the Mission's ability to fulfil its mandate. Where deemed necessary, CPCC will bring the matter to the attention of the Member States.

Mechanisms to be established at the Mission and at host country level
Each Mission should establish an internal structure and procedure for implementing HRDD and create partnerships with other relevant actors to ensure that up-to-date and relevant information is available for conducting risk assessments and taking informed decisions. Training of staff on this issue is also desirable, to raise awareness of the issue and the procedures to be followed. Finally, coordination with other international actors in the theatre is crucial so as to discuss common approaches related **to the implementation of HRDD.**

> *Example*
> *Human Rights Watch released a report listing police districts where detainees are regularly tortured according to reports from victims and eye-witnesses. The police commander of one police district listed in the HRW report is mentored by advisers of a Field Office of a civilian CSDP Mission. The advisers did not observe any wrong doing because they never visited the detention facilities, it not being part of their mandate and tasks.*
> **Steps to be taken:**
>   1. **Inform Mission Coordination Mechanism;**
>   2. **Mission Coordination Mechanism to investigate accuracy of report (and gravity of alleged violation).**
>   **If deemed accurate:**
>   3. **Inform EU Delegation and other international actors, to gather and share information;**
>   4. **Simultaneously CivOpsCdr/CPCC is informed;**
>   5. **CivOpsCdr informs EEAS hierarchy and if deemed necessary, Member States;**
>   6. **Decision taken on whether or not to suspend support and on what level (all support, or limited to the identified police district). Mission ensures that decision process is recorded in writing;**
>   7. **Mission coordination mechanism engages with counterpart (police) to see what steps can be taken by counterparts (with support of Mission) to ensure that the human rights situation in the police district is improved (risk mitigation);**
>   8. **Follow up the allegations of torture and ensure that those responsible are held accountable;**
>   9. **Mission resumes support once the Mission's Coordinating Mechanism established that mitigating measures are in place. CPCC and other (international/EU actors) informed;**
>   10. **Monitor the situation and the implementation of mitigating measures.**

Within the Mission

> ➢ **Standard Operational Procedures (SOP) on Human Rights Due Diligence** – Missions should draft and adopt an SOP to determine the internal procedure for implementing HRDD. The SOP should determine how, when and by whom the risk assessment is to be conducted, the monitoring and reporting mechanism for the implementation of mitigating measures, and the procedures for suspending support if a grave human rights violation occurs. The SOP should also determine the responsibilities related to the implementation of HRDD.
> ➢ **Task Force on Human Rights Due Diligence** – in order to facilitate the implementation of HRDD, the Mission should consider establishing a group of people who regularly meet to identify, assess, discuss, monitor, report on and manage issues related to HRDD. Alternatively, an existing configuration, or sub-configuration, of the SMT could take on this role.

At country level

> ➢ Information-sharing and coordination mechanism at **EU level** – in order to exercise due diligence, conduct risk assessments and take informed decisions, EU actors should enhance their cooperation, information-sharing activities and coordination.
> ➢ Information-sharing and coordination mechanism with the **UN** – in most conflict situations, the UN is also present. This presence can take the form of a full-fledged UN peacekeeping operation, a regional or country office of the **OHCHR**, or a

Resident Coordinator Office. All UN actors have an obligation to comply with the HRDDP and a task force has been set up to coordinate the implementation of the policy. Collaboration with the **(UN) HRDDP Task Force** should be formalised in order to harmonise and coordinate approaches. Secondly, the UN also has a mandate to monitor the human rights situation in the country, and it compiles and manages a profiling database of persons and entities involved in human rights violations. Although the UN cannot give external actors access to this database, there might be a way to crosscheck some data. These mechanisms need to be established on a case-by-case basis.

➢ Establish an information-sharing and coordination mechanism with the host country's **national human rights institutions and civil society organisations** – regular information-sharing sessions with local human rights organisations may provide valuable information on the human rights situation in a country and facilitate the conduct of risk assessments.

FURTHER READING

Overview of EU Human Rights Principles, Guidelines, Policies and Actors
European Parliament Fact Sheet on the EU legal basis for adhering to human rights, the EU Human Rights Guidelines. Policies and Actors:

1.   EU Resources
EU human rights' policies and resources

- EU Action Plan on Human Rights and Democracy 2020-2024
- Mainstreaming human rights across CFSP and other EU policies (2006)
- Council conclusions on Human Rights and Democracy (2012)

Overview of the Human Rights Framework
The International Justice Resource Center's website provides a comprehensive overview of what human rights are, and sets out the international human rights framework; human rights bodies; and mechanism for the protection of human rights.

EU Human Rights Guidelines
This series of guidelines on issues of importance to the EU forms an integral part of the EU's human rights policy. The guidelines are a pragmatic instrument of EU human rights policy and a practical tool that can help EU Missions to advance the policy.

- Promotion of compliance with international humanitarian law
- Human rights dialogues with non-EU countries
- Non-discrimination in External Action
- Death penalty
- Human Rights Defenders — EU support
- Torture and other cruel treatment
- Violence against women and girls: EU guidelines
- Promotion and protection of freedom of religion or belief
- Promote and protect the enjoyment of all Human Rights by lesbian, gay, bisexual, transgender and intersex (LGBTI)
- Freedom of Expression Online and Offline
- Safe Drinking Water and Sanitation
- Protecting children's rights
- Children's rights and armed conflict

EEAS webpages on human rights

- EEAS page on Human rights and Democracy
- EP page on Democracy and human rights
- EU Annual Reports on Human Rights and Democracy

Civil society

- The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations

2.   International Resources

International human rights' system

- UN Human Rights Bodies
- Global Alliance of National Human Rights Institutions (GANHRI)

Regional Human rights' systems relevant to CSDP

- African Commission on Human and People's Rights
- Council of Europe

United Nations

- UN Practitioners' Portal on HRBA
- A Human Rights Based Approach to Data, Leaving no one behind in the 2030 Agenda (OHCHR)
- SDG indicators
- A human rights based approach to data and Human rights indicators: A guide to Measurement and Implementation

3.   Sector Specific Policies

Gender

- Gender Action Plan – an ambitious agenda for gender equality and women's empowerment in EU external action (2021-2025)

Human development

- Children as a focus of EU external action

Indicators

- EU Results Framework and guidance on identification and formulation of indicators

Security Sector Reform/Human Security

- EU-wide strategic framework for Security Sector Reform
- OECD DAC Handbook on SSR Reform

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ANNEX I

Human Rights-Based Approach Toolkit

A human rights-based approach to programming and project planning is an approach that gives equal attention to what should be done and to how it should be done. A HRBA aims at achieving the goals set out in the Mission's OPLAN according to the Mission's mandate but it pays an equal amount of attention to the process chosen to achieve the goals as to the ultimate achievement of the goals themselves.

A HRBA makes us focus on the entitlements of excluded and most-at-risk groups. Such a focus is central to understanding the power relationships underlying (but sometimes also undermining) the enjoyment of fundamental rights and freedoms.

This last point brings us to the first step in a HRBA: identifying a problem which we wish to address through a policy, a programme or a project. This is where we need to ask what is happening to whom, where, why, and how we intend to intervene.

Step 1. Problem Identification/Situation Analysis
What is happening to whom? ➢ What is the current situation? ➢ Considering that all human rights are interdependent and interrelated, which rights are affected? ➢ Whose rights are affected? Are there minorities, vulnerable or marginalised groups? What is the composition of the group (see gender and age disaggregated data)? ➢ What is feasible? What risk does the intervention pose for other groups?
Why is this happening? ➢ What are the key immediate underlying and basic/structural causes of the problem? ➢ What are the social/cultural conditions and habits of the group at the origin of the problem and how might they adversely affect the intervention? ➢ Is the legal/judicial framework sufficiently structured to grant the enjoyment of the rights? ➢ Are the law enforcement agencies sufficiently prepared and equipped to enforce the law of the country?
Why can't those who have a duty (duty-bearers) to address the problem take care of it? ➢ Is strategic advice needed to understand, address or comply with obligations under relevant domestic laws and policies, national plans, constitutional obligations and human rights treaties (knowledge and communication capacity gaps)? ➢ Is there a lack of implementation capacity and knowledge on the part of the government? The government lacks capacity to implement sufficient services and needs assistance to fulfil its obligations under domestic law. ➢ Have some initiatives been realised but it is difficult to monitor or evaluate their impact on the ground? ➢ The government *(duty-bearer)* lacks capacity to implement sufficient services and needs assistance to fulfil its obligations under domestic and international human rights law (a human and economic resources capacity gap).
Where is it happening? ➢ What is the situation where the problem is happening?

> ➢ Is the region a conflict/post-conflict or contested area? Is the region destabilised for reasons of economic interest by an irregular armed group? Is the area affected by terrorism?
> ➢ Are the irregular armed/terrorist/organised crime groups supported by political interests?
> ➢ Are there tensions in the area caused by conflicting interests of different groups seeking control of the area?

Who are the key actors causing or being affected by this problem?
> ➢ Who are the likely right-holders and duty-bearers?

Right-holders
Group of people discriminated against on the ground of national or other bias (residence, language, literacy, age, gender orientation and gender identity, genetic features, sex, health, social and economic status, etc.).
Women/boys and girls

Duty-bearers
- Law enforcement agencies
- Judiciary
- Parliament and/or law-drafting agencies
- State institutions or agencies
- In general, all those people/agencies who are required to work to respect, protect and fulfil the legal entitlements set out in the constitution, domestic legal documents and international human rights treaties
- Non-state actors exercising government-like functions and control over a territory and a population

Who among the non-state actors plays a role in the country?

Among defenders, this may include:
- human rights defenders/activists
- religious/traditional leaders
- media
- NGOs
- academies
- all actors who may positively influence the enjoyment of fundamental rights and freedoms

Among perpetrators, this may include:
- state and non-state armed groups exercising government-like functions and control over a territory and a population
- ideologically motivated violent groups
- terrorist groups
- organised crimes groups
- all actors who may negatively affect the enjoyment of fundamental rights and freedoms

In order to assess how to intervene and in order to evaluate any intervention, it also essential to check the following:

1) What relevant legislation exists to address the problem? Does a national plan exist? What relevant international law exists to address the problem?

> ➢ **International human rights law and international humanitarian law (if applicable)**

> **The regional human rights sources**

> **The national legal framework:**
- The constitution
- The domestic law
- The national strategy and action plan on human rights
- Thematic strategies on the topic we need to address
- The national monitoring mechanism

2) What are the priorities to be addressed and how can we collaborate with local authorities to address the cause-effect relationship?
> Is anybody left behind by the intervention?
> Is there any risk of causing unwanted/collateral damage?
> Is there any risk of a dual use of the intervention?

Recommendations:

In the *first phase of the analysis*, focus on the problem.

> Use varied and reliable data: data should be collected from governmental, non-governmental and international organisation sources.

> Use disaggregated data as much as possible and insofar as it is available (not only as regards sex but also ethnicity, language, special needs, age, religion, economic distribution, etc.).

> Be specific when analysing the problem by assessing the sources (instead of 'poor knowledge of the law', assess why: are the legal sources accessible? Has the person sufficient instruments/capacity to understand the legislation?)

> Differentiate the different level of the causes:

- Root causes require long-term interventions to change social or structural attitudes and behaviours at different level (in the family, in the school, in the community, or in the decision-making group).
- Underlying causes are often a consequence of policies, governmental interventions, legislation, and availability of resources.
- Immediate causes are those that determine the current status of the problem and may describe how individuals experience the problem.

In the *second phase of the analysis*, focus on the people affected:

> Identify the right-holders as those individuals or groups most affected (and see if groups or individuals in the group are affected in the same way or differently) and the rights they hold in the specific context to be addressed.

> Identify the duty-bearers as those who have a responsibility to protect, respect and fulfil the rights, based on the international human rights conventions and covenants signed and ratified by the country and on the national legal framework (including policies, strategies and action plans), and those that exercise government-like functions and control over a territory and a population.

> ➢ Consider that a duty-bearer could also be a right-holder. Police officers are duty-bearers for the citizens they must protect, and are right-holders vis-à-vis the competent ministry for administrative purposes.

In the *third phase*, focus on the gap to be filled:

> ➢ Skills, knowledge, level of experience of individuals, but also the policies, procedures, standard operation procedures, regulations and framework of the organisations. See if they are in line with the requirements based on the legislation and with the international commitments of the country.

> ➢ Coordination mechanism amongst stakeholders, role and responsibility of governmental or non-governmental state actors, accountability or audit mechanism.

These recommendations may be useful in different ways. While the results achieved in the first phase will be useful to clarify the issue we need to address and the reason for the existing situation, the second and third phase will help to define the actors and the factors contributing to the present situation.

They can also be used to define a strategy. In fact, the second and the third phase will help to define not only whose capacities and what areas need to be strengthened, but also which partners need to be involved to ensure a comprehensive and integrated approach to the problem.

At the same time, the second and third phase will help in the formulation of indicators and outcomes that specify whose capacity will improve and how, as well as what activities are to be undertaken and by whom.

Using a HRBA in Planning, the Mission Implementation Plan (MIP)/Operation Implementation Framework (OIF) and Projects

A HRBA promotes social transformation by empowering people to exercise their 'voice' and 'agency' so as to influence the process of change, it strengthens democratic governance by supporting the state in identifying and fulfilling its responsibilities to all under its jurisdiction, and it translates universal normative principles into entitlements and actions. In light of this, it influences programming in the following ways:

> ➢ All Mission planning documents including the Mission Implementation Plan (MIP), the Operation Implementation Framework, projects and subsequent reporting must be consistent with the analysis outcome so as to ensure that the human rights perspective is fully incorporated in the planning phase.

> ➢ It forces all Mission members, including line managers and senior management staff, to reflect upon 'how' any activity is formulated, in addition to the question of 'what' should be done.

> ➢ The internationally recognised legitimacy of human rights provides an objective starting point for dialogue and discussions with government, citizens and external partners.

> ➢ It helps governmental decisions makers and citizens to recognise how diverse and changing power dynamics affect the trust between civil society and institutions.

➤ The accountability structure pursued through a HRBA facilitates the development of quantitative and qualitative benchmarks and indicators for monitoring progress in activity planning and implementation.

What	• To consider recommendations from UN Resolutions, from specialised Offices of the UN, from the CoE, from the EEAS or other EU Institutions; • To make sure that gender policies are duly incorporated in the initiative • To assure inclusion of all relevant actors to close the gap with our project
How	• To ensure that all actors may benefit from the initiative do not discriminate any member of the society • To verify the status of local resources available (knowledge, resources, supplies, distribution • Accessibility (both physical and economical)
Who	• To involve the local Authorities directly responsible for the matter; • To involve the duty bearers who provide the service, and /or Law Enforcement Agencies; • To involve representatives of the right holders, and members of the Civil Society, representative of minorities; • To speak with local leaders or those who hold a socially recognised moral authority
When	• To consider the Budget Period to benchmark the steps of the implementation • To plan for multiple steps, such as short, medium and long term goals • To consider the sustainability of the initiative over time

During this stage, human rights principles should serve as a guide to the process and human rights standards should provide indicators for sustainability.

Step 2. **Planning and Projects**
Human rights principles
Equality and non-discrimination ➤ Does it comply with international recommendations and policies adopted (policy coherence)? ➤ Does the counterpart adopt a system of disaggregated data collection? ➤ Are policies, programmes, projects and budget allocation sufficient to address the root causes of the matter under consideration? ➤ Does the initiative diversely affect other members of society?
Participation and inclusion ➤ Does the national legal framework address the subject matter of the intervention and/or do the norms live in an enabling environment of mechanisms that ensure access to information?

> ➢ Does the programme ensure the meaningful participation of the right-holders to whom the initiative is addressed?
> ➢ Are there issues that need to be considered (such as social or cultural barriers, sensitivities or power dynamics) and that may adversely affect the participation of a category of people?

Why did those who have a duty (duty-bearers) to address the problem not do so?

> ➢ Is strategic advice needed to understand, address or comply with obligations under relevant domestic laws and policies, national plans, constitutional obligations and human rights treaties (knowledge and communication capacity gaps)?
> ➢ Is there a lack of implementation capacity and knowledge on the part of the government? The government lacks capacity to implement sufficient services and needs assistance to fulfil its obligations under domestic law.
> ➢ Have some initiatives been realised but it is difficult to monitor or evaluate their impact on the ground?
> ➢ The government *(duty-bearer)* lacks capacity to implement sufficient services and needs assistance to fulfil its obligations under domestic and international human rights law (a human and economic resources capacity gap).

Where is it happening?

> ➢ What is the situation where the problem is happening?
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Women/boys and girls
Duty-bearers
- Law enforcement agencies
- Judiciary
- Parliament and/or law-drafting agencies
- State institutions or agencies
- In general, all people/agencies who are required to work to respect, protect and fulfil the legal entitlements set out in the constitution, domestic legal documents and international human rights treaties
- Non-state actors exercising government-like functions and control over a territory and a population

Rule of Law and Accountability

In order to assess how to intervene and in order to evaluate any intervention, it also essential to check the following:

1) How does the national legal framework address the problem? Have a national human rights strategy and a national action plan been adopted?

Check how international principles and standards have been integrated into:
- The constitution
- The domestic law
- The national strategy and action plan on human rights
- The thematic strategies on the topic we need to address
- The national monitoring mechanism

2) What are the priorities to be addressed and how can we collaborate with local authorities to address the cause-effect relationship?
- Is anybody left behind by the intervention?
- Is there any risk of causing collateral/unwanted damage?
- Is there any risk of a dual use of the intervention?

Human Rights Standards
Availability

- Are there sectoral data analyses available?
- Are there vulnerability assessments?
- Are the laws of the country available for consultation?
- What information is available on citizens' rights and of the assistance provided to those in need?
- How accessible are services in the country? (i.e. police stations, prosecutors, tribunals, lawyers)
- Does the country have a complaints/oversight/traditional justice mechanism through which citizens can demand that public officers be held accountable for misconduct?
- Are personnel equipped with tools and instruments to perform their work?
- How much technology is used to ensure smooth access to information? Is a data protection system available in key offices?

Accessibility
Physical:
- How accessible are the country's complaints/oversight/traditional justice mechanisms? If accessible, are they safe? Might people accessing them be shamed or stigmatised?
- Is there an office providing information on the subject we are addressing? Alternatively, is sufficient knowledge/information about complaints mechanisms available to citizens?

Financial
- Are services economically affordable for all?
- Is assistance provided free of charge?

Quality
> How is the quality of the service provided? Is there sufficient knowledge to provide a quality service?
> Are different cultural values, needs, user patterns considered? Is there the risk of marginalisation of a particular group?
> Have the sensitivities of individuals, minorities, communities in relation to language, gender, age, social/economic or health status been integrated?
> Is there a coherent system of indicators integrated into the monitoring system?
> What instrument does the country use to identify critical issues?
> How does the country define and address strategic goals?

Recommendations:

> Develop strategies that define clear and transparent standards for the service we want to provide, the quality of service we want to offer or the goal we want to achieve.

> For benchmarking (to be set out in OPLAN), develop specific tasks that correspond to the identified strategy and goals and that can be measured by objectively verifiable indicators (OVIs) – for examples, see Annex IV.

> Consult civil society representatives, or inform or involve affected communities who play a primary role in the programme or in the project.

> Coordinate with international stakeholders to assess if there are other parallel initiatives, so as to avoid duplication and overlapping of initiatives.

> Exchange material and good practices in order to avoid conflicting solutions.

> Always consider the needs of women, girls and boys, as well as the interests of vulnerable and marginalised groups.

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ANNEX II

Template for Mission Human Rights Action Plan

MISSION (NAME) HUMAN RIGHTS ACTION PLAN - YEAR XX						
	External/ Internal	Objective	Task	Indicator	Timeframe	Progress report
Human rights mainstreaming		*Example…*				
	External	To be taken from OPLAN benchmarking annex and MIPs				
	Internal	Enhancement of the Mission's human rights mainstreaming mechanisms				
Specific actions	*External*					
	Internal	Increase the Mission's external and internal outreach and visibility in regard to human rights	Produce articles covering human rights-related activities and issue press statements on Action Days	No. of articles and press releases on human rights-related issues		
Integrated Approach/dialogue	*External*	Enhance dialogue between the Mission's senior management and local human rights	Establish a consultation meeting mechanism and organise two consultation meetings per year	No. of meetings with human rights organisations

Examples of actions/decisions by the senior | | |

		organisations		management to follow up on consultation meeting recommendations	
	External	Strengthen dialogue with local counterparts about [INSERT]	Create key messages based on [insert] to be delivered to selected local counterparts by senior Mission managers	No. of talking points delivered by senior Mission managers related to [insert]. Examples of actions taken by local counterparts to follow up on advice from the Mission	
	Internal	Strengthen the internal dialogue between the Mission's senior management team and the HRA	Organise regular meetings between the HRA and senior managers	No. of meetings Meeting minutes	

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ANNEX III

TEMPLATE - Mission Annual Report on Human Rights (add year)

1.   EXECUTIVE SUMMARY

2.   SITUATION
A brief description/analysis of the context, including main developments and human rights issues/trends affecting the host country

3.   MISSION ACTIONS/ACTIVITIES
Set out the Mission's action plan, date of approval

3.1   HUMAN RIGHTS MAINSTREAMING

3.1.2 HUMAN RIGHTS MAINSTREAMING IN GENERAL

INTERNAL

EXTERNAL

3.2   SPECIFIC ACTIONS

INTERNAL

EXTERNAL

3.3   DIALOGUE

INTERNAL

EXTERNAL

4.   ANALYSIS AND LESSONS IDENTIFIED
How the information presented feeds into priorities for the next year/how to address obstacles

5.   CONCLUSIONS AND ACTION POINTS (where applicable)

6.   HoM COMMENTS[25]

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[25] If relevant.

ANNEX IV

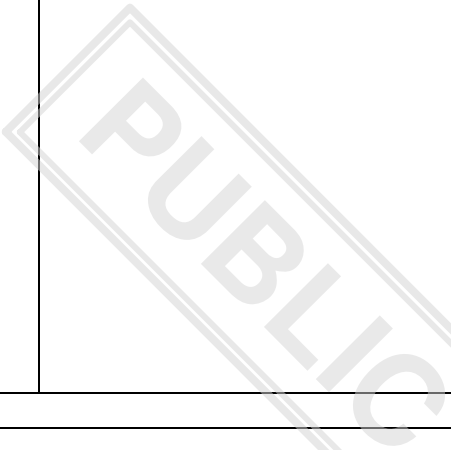### Benchmarking to ensure human rights mainstreaming

The purpose of this annex is to set out criteria for measuring progress on the tasks entrusted to the Mission, through a comparison of the initial situation (inventory of fixtures corresponding to the beginning of the mandate) and the final situation at the end of the same mandate. The OHCHR has developed a useful framework of human rights indicators, which recommends the development of *structural*, *process* and *outcome* indicators[26]. This configuration of indicators should help assess the steps being taken by the Mission's counterparts in addressing their obligations – from commitments and acceptance of international human rights standards (*structural* indicators) to efforts being made to meet the obligations that flow from the standards (*process* indicators) and on to the results of those efforts (*outcome* indicators). Chapter IV of this guide provides some concrete indicators for some rights that may be of use for mainstreaming human rights in a Mission's benchmarking exercise.

 Below are some examples of the type of benchmarking indicators, using the HRBA.

Decisive point 1.1 -		
Decisive Outcome 1.1 Progress has been made in the MoJ's development of a national approach and a strategic plan for the RoL system		
Tasks	**Baseline**	**Objectively Verifiable Indicators (OVI) of favourable process development**
1.1.1.1 Ensure that human rights perspectives and priorities are integrated and feature throughout the MoJ's strategic vision for the rule-of-law system in line with international HR standards and obligations	Support authorities in the legislative reform process for the criminal justice chain	Universal HR principles are reflected throughout MoJ reforms, ROL system and legislation
2. Support the authorities to facilitate	Provide legislative drafting support as outlined in the MOU and at the request of the MoJ, in order to enhance the country's	Identify areas for intervention re. legislative reform and strengthening human rights in particular on (criminal justice)

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[26] Human Rights Indicators: A guide to measurement and implementation, OHCHR (HR/PUB/12/5) (https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf)

	justice sector's response to ongoing challenges	
legislative reform and human rights compliance projects within the Mission's areas of engageme nt		

Decisive point 1.1 -		
Decisive Outcome 1.1 Progress has been made in producing a national maritime strategy		
Tasks	**Baseline**	**Objectively Verifiable Indicators (OVI) of favourable process development**
1.1.1.1 Advise national authorities on drafting of national strategy/white paper, etc.	A national maritime strategy is not yet in place	1. Human rights perspective and priorities are referred to in the national strategy 2. Focus on oversight and accountability in line with international human rights standards

Decisive point 1.1 -		
Decisive Outcome 1.1 IA between all EU actors, focused on the Mission's area of engagement		
Tasks	**Baseline**	**Objectively Verifiable Indicators (OVI) of favourable process development**
1.1.1.1 Continuously monitor the alignment of implemented projects against EU principles on human rights standards and HRDDP	All Mission work guided by a rights-based, 'do no harm' approach in which respect, protection and promotion of human rights are core values	A Mission strategy ensuring alignment with EU principles of HRM and HRDDP; responsibilities are defined; information sharing is ensured

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