



Council of the
European Union

Brussels, 12 January 2018
(OR. en)

5255/18

LIMITE

**COPS 8
CIVCOM 2
POLMIL 5
EUMC 8
CFSP/PESC 28
CSDP/PSDC 13
RELEX 26
COHOM 4**

NOTE

From: Political and Security Committee
To: Permanent Representatives Committee/Council

Subject: Upgraded Generic Standards of Behaviour for CSDP Missions and Operations

Delegations will find attached the Upgraded Generic Standards of Behaviour for CSDP Missions and Operations, as endorsed by the Political and Security Committee on 19 December 2017.

**UPGRADED GENERIC STANDARDS OF BEHAVIOUR
FOR CSDP MISSIONS AND OPERATIONS**

I. Introduction

1. The European Union is founded on a shared determination to promote peace and stability. Respect for human rights and fundamental freedoms, democracy, the rule of law, respect for human dignity, and equality between women and men are common values that guide the external policies of the European Union including Common Security and Defence Policy. Adherence to international legal norms, both with respect to human rights and international humanitarian law and to the highest standards of behaviour are essential to the EU credibility and the success of the CSDP missions and operations. This is recognized in the Global Strategy which stresses that the EU's external credibility and influence depends on the ability to consistently live up to the values internally.
2. On 19 May 2005 the PSC adopted the *Generic Standards of Behaviour for ESDP Operations* (doc. 8373/3/05) applicable both for the civilian missions and military missions and operations. The aim of the document was to set out generic standards of behaviour to be adhered to by all personnel in ESDP operations and to provide principles for the implementation and further development of the generic standards of behaviour, especially with regard to the UNSCR 1325 on women, peace and security and protection of civilians.
3. Acknowledging the EU's firm commitment to human rights, gender equality and gender, peace and security, *Implementation of UNSCRs on Women, Peace and Security in the context of CSDP missions and operations (7109/12)* introduced a revised EU policy for the implementation of UNSCRs on women, peace and security in the context of CSDP aiming to ensure gender mainstreaming in the planning and conduct of CSDP missions and operations including in the supervisory and disciplinary matters in line with the Generic Standards of Behaviour.

4. On 11 May 2016 the PSC was presented the *Conduct and Discipline in CSDP Missions and Operations: Overview of Policies and Procedures* (doc.7869/16). The document reviewed the existing policies and procedures and made recommendations to strengthen the overall response of the EU to any allegations of misconduct in CSDP missions and operations and to establish a zero tolerance policy to sexual exploitation and abuse. On 18 July 2016, the Foreign Affairs Council adopted the '*Code of Conduct and Discipline for EU Civilian CSDP Missions*' (doc. 11961/16). In its cover note Member States also requested the upgrade of the current Generic Standards of Behaviour.
5. The PSC welcomed the review (doc.7869/16) and called for the recommendations to be implemented in close coordination with the EUMC, CIVCOM and PMG. In their advice, CIVCOM, PMG and EUMC recognized the need to revise the Generic Standards of Behaviour, including by developing a special chapter or section on sexual and gender-based discrimination, harassment and abuse. Moreover, it further advised the revised Generic Standards of Behaviour to be applicable to both civilian and military CSDP missions and operations and coherent with comparable standards, especially those of the UN.
6. Responding to this, and taking into consideration the findings and recommendations of the Report on the Baseline Study on Integrating Human Rights and Gender into the European Union's Common Security and Defence Policy (15726/16) and other developments as outlined above, the present document introduces revised Generic Standards of Behaviour for CSDP Missions and Operations.

II. Aim

7. The aim of this document is to set up the highest professional standards of behaviour to be implemented both within the missions and operations themselves and as concerns the populations of the host countries. These standards are consistent with those applying to other EU actors; in particular, they are in line with the corresponding provisions in the Staff Regulations¹, with the European Commission Practical Guide to staff ethics and conduct, as well as with the European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment.²
8. It replaces the 'Generic Standards of Behaviour for ESDP Operations, including its Annex (Document 8373/3/05 of 18 May 2005).
9. This document does not constitute a limitative framework.
10. The document provides guidance to senior management and Heads of Missions and Commanders, and establishes principles for the implementation of the Generic Standards of Behaviour.

III. Scope of Application

11. The Generic Standards of Behaviour are without prejudice to constitutionally protected rights in the Member States and the rules to which a mission member may be subject to under national, EU or international law, and regulations of the seconding authority.

¹ Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68. Regulation as amended by Regulation (EC, Euratom) No 1023/2013.

² The European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment C(2006) 1624/3, applicable also for EEAS.

12. The Generic Standards of Behaviour apply equally to all members of CSDP civilian missions and military missions and operations of the European Union, referred to hereafter as "personnel":
- a) Members seconded by Member States or participating Third States;
 - b) Members seconded by European Union institutions or the European External Action Service;
 - c) International contracted members;
 - d) Local contracted members;
 - e) Other members, in particular members of Civilian Response Teams and Visiting Experts.
13. All personnel shall have regard to and act in conformity with these Generic Standards of Behaviour. Failure to respect these standards will lead to disciplinary proceedings or other procedures as appropriate in conformity with the applicable framework.³
14. The Head of Mission or Commander may promulgate additional, mission specific regulations or instructions of administrative nature based on these Generic Standards through Standard Operating Procedures.⁴

³ For civilian CSDP missions cf. 'Code of Conduct and Discipline for EU Civilian CSDP Missions' doc. 11961/16

⁴ Ibid.

IV. Generic Standards of Behaviour for CSDP Missions and Operations

Guiding principles

15. The European Union CSDP civilian missions and military missions and operations are guided by the fundamental values of respect for human rights and fundamental freedoms, democracy, the rule of law, respect for human dignity, and equality between women and men enshrined in the Treaty on European Union (TEU), the Charter of Fundamental Rights of the European Union and the principles of the UN Charter and international law, including humanitarian (IHL), human rights and refugee law. The EU gives special attention to the protection, welfare and rights of children in armed conflict in accordance with the corresponding EU Guidelines.⁵
16. The EU, its Member States and participating Third Countries are to uphold a zero tolerance policy towards misconduct and criminal acts in CSDP missions and operations as a key guiding principle.

Professional integrity

17. All personnel of CSDP civilian and military missions and operations must maintain the highest professional and personal standards of ethical behaviour, respect, impartiality and integrity and must act in an irreproachable manner, during and outside working hours.
18. Personnel must refrain from any involvement in criminal or unethical activities including corruption and sexual abuse, activities that contravene human rights, or activities that compromise the image of the European Union and interests of the CSDP mission or operation.
19. Personnel must be consistent, neutral, impartial and objective in the discharge of their duties and unfair advantage must not be, nor be seen to be, given to any party, regardless of personal opinion. Personnel must neither engage personally in political activity within the area of operations, nor publicly express any preference for any political, religious or ethnic entity.

⁵ EU Guidelines on Children and Armed Conflict.

Relations with host population

20. The clear demonstration of personal integrity will help to establish the credibility and authority of the CSDP mission or operation and is essential to the establishment of trust with the host population. The impartial and objective pursuit of the mission's or operation's mandate, regardless of provocation and challenge, is essential in preserving the legitimacy of the mission or operation and in maintaining, where appropriate, the consent and cooperation of parties involved.
21. Personnel must maintain the highest professional and personal standards of behaviour with regards to each other and in relations with the local authorities and host population. All people must be treated with dignity and respect regardless of sex, age, ethnic origin, religion or belief, sexual orientation, disability, social or economic status or political views. Personnel shall respect the laws and regulations of the host country and be sensitive to local traditions, culture and religion. In all interaction personnel are expected to behave with tolerance, courtesy and respect for diversity and be sensitive to local traditions, culture and religion. Condescending and discriminating remarks, gestures or behaviour are not to be tolerated.
22. The development of any personal relationship with persons of the host country may create operational or security risks as well as cultural tensions. Personnel should be aware of such potential risks and refrain from any conduct that may adversely reflect on the integrity, independence and impartiality of their position and function and the image of the CSDP mission or operation.
23. Personnel should be aware that both prostitution and the pornographic industry have established links with organised crime and human trafficking. Armed conflicts and crises increase the vulnerability of all civilian population but especially of girls, boys and women and put them at special risk of violence, abuse and exploitation, including prostitution and trafficking in persons.⁶ Personnel is prohibited from soliciting or engaging in prostitution, regardless of the age of the person involved and of the local or national laws of the host country.

⁶ Comparable UN standards: https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_9-17.pdf

Professional conduct and behaviour

24. Personnel in CSDP missions and operations come from varying backgrounds, cultures and legal systems and represent different levels of training and experience. Nonetheless, in pursuance of their mission, all personnel are to apply the same standards of personal and professional behaviour.
25. All personnel must be treated with dignity and respect, regardless of sex, age, ethnic origin, religion or belief, sexual orientation, disability, social or economic status or political views. In their interactions with others, all personnel are expected to behave with tolerance, sensitivity and respect for differences.
26. All personnel must show commitment, demonstrate a professional, fair and respectful attitude and deliver a positive contribution to the objectives and image of their mission or Operation. Personnel must act in a loyal, reliable and transparent way in relation to the mission or operation, as well as to their colleagues.
27. The right of all personnel to live and work in an environment free from harassment, abuse, unlawful discrimination, intimidation and bullying must be upheld. This especially includes all forms of sexual abuse and sexual harassment but also the display and dissemination of pornographic material at the work place.
28. Regarding integrity, safety and the image of the mission or operation, supervisors at all levels have a special responsibility. They have a duty to create and maintain a work environment free of misconduct including abuse of authority, intimidation and harassment including sexual harassment. They must act as role models by upholding the highest standards of conduct. Responsible authorities have the obligation to ensure that complaints of prohibited conduct are promptly addressed in a fair and impartial manner.

Sexual Exploitation and Abuse (SEA)

29. Sexual exploitation and abuse, including child pornography, violate universally recognized international legal norms and standards as well as EU norms.⁷ The European Union and its Member States have zero tolerance to sexual exploitation and abuse.
30. Sexual exploitation means any actual or attempted abuse of a position of vulnerability, power differential, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation on another; while sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.⁸
31. CSDP missions' and operations' personnel are prohibited from committing any acts of sexual exploitation and abuse. Personnel are obliged to report any knowledge or suspicion regarding SEA through the established reporting mechanisms.
32. All forms of sexual contact with children are prohibited and will be sanctioned in accordance with applicable law.⁹
33. All members of CSDP missions and operations are obliged to create and maintain an environment that prevents sexual exploitation and abuse. Heads of Mission, Commanders and managers at all levels have particular responsibilities to support and develop measures that maintain this environment.

⁷ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating sexual abuse and sexual exploitation of children, and child pornography, replacing the Council Framework- Decision 2004/68/JHA; Convention on the Rights of the Child.

⁸ In line with UN standards (ST/SGB/2003/13).

⁹ See Directive 2011/93/EU, Art 2(a). UN standards: "Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;" (ST/SGB/2003/13).

Trafficking in human beings

34. Trafficking in human beings includes the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, of fraud, of deception, of abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.¹⁰
35. Personnel must not in any way contribute to or engage in trafficking in human beings including for the purpose of sexual exploitation.¹¹ Trafficking in human beings is a serious crime, often committed within the framework of organised crime, a gross violation of fundamental rights and explicitly prohibited by the Charter of Fundamental Rights of the European Union.¹² Any involvement of personnel in human trafficking constitutes an act of serious misconduct and grounds for criminal and/or disciplinary measures.

Harassment, sexual harassment and gender-based violence

36. The use of physical force or the abuse of authority, understood here as the improper use of a position of influence, power or authority against another person, to intimidate or victimise others, or to give unlawful punishments, is unacceptable behaviour which will undermine trust and respect. No such behaviour must be tolerated.
37. Any improper conduct that takes place over a period, is repetitive or systematic and involves physical behaviour, spoken or written language, gestures or other acts that are intentional and that may undermine the personality, dignity or physical or psychological integrity of any person, can be regarded as harassment. Harassment may consist of offensive or degrading comments, both in public (regardless of the presence of the victim), in private or online, bullying, antagonism, pressure, offensive behaviour, insulting or threatening remarks, both oral and written.¹³

¹⁰Article 3 of the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN Convention against transnational organised crime (2000).

¹¹ Article 5 (Prohibition of slavery and forced labour) paragraph 3 of the Charter of Fundamental Rights of the European Union. See also UNSCR 2331 (2016).

¹² Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims.

¹³The European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment C(2006) 1624/3, applicable also for EEAS.

38. Any physical, verbal, written or other behaviour of a sexual nature unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment, is understood as sexual harassment.¹⁴ Sexual harassment may involve persons of the opposite sex and of the same sex. The standard determining harassment is not the intent of the alleged harasser but the effect and/or perception of the behaviour on/by the alleged victim. Any form of harassment, including harassment using new technologies, sexual harassment, cyber violence and other forms of gender-based violence including stalking, rape and sexual assault in addition to criminal responsibilities that might ensue, are strictly forbidden and will not be tolerated.

Corruption

39. Corruption is a complex phenomenon and comes in many forms from petty corrupt practices such as unofficial payments against differentiated treatment to a means of organised crime. In line with international legal instruments, corruption may be defined in a broad sense as any 'abuse of power for private gain'. CSDP missions' and operations' personnel must not improperly use their relative position of power (e.g. abuse of discretionary powers in decision-making, non-respect of rules and awards of public contracts, acceptance of improper offers), or contribute to corruption by giving or accepting bribes (money, expensive gifts, invitations or services) for the purpose of gaining undue advantages.¹⁵

¹⁴ Ibid.

¹⁵ See Report from the Commission to the Council and the European Parliament – EU Anti-Corruption Report COM(2014) 38 final of 3 February 2014; Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee – Fighting Corruption in the EU COM(2011)308 final – Brussels, 6 June 2011.

Acceptance of gifts, favours and other benefits

40. Personnel must decline gifts, favours or honours from governments or any other source outside the mission or operation. If it is not feasible to refuse the gift for social or courtesy reasons, and if there is no risk for the interests and the public image of the CSDP mission or operation, personnel must first seek permission from the appropriate authority, and are required to declare those allowable gifts and favours (including hospitality) to the responsible office of a CSDP mission or operation. Offers that have merely symbolic value are not considered gifts in this context. Any sum of money must always be refused.¹⁶ Each CSDP mission or operation should implement specific Standard Operating Procedures on this issue.

Outside activities and interests¹⁷

41. CSDP personnel must not engage in outside professional or commercial activities. Personnel wishing to engage in any outside activity, paid or unpaid, that is of an occupational character or goes otherwise beyond what can reasonably be considered a leisure activity, must obtain prior permission from the applicable authority.
42. No outside work may be performed either on the premises of the CSDP mission or operation or during normal working hours. The assets of a CSDP mission or operation must not be utilised for such activities.

Discretion (handling of information, publications)

43. All personnel must observe discretion in all matters of official business of the CSDP mission or operation. They shall be aware of the importance of proper handling of information and act accordingly. Personnel shall not at any time disclose any information that falls under professional secrecy obtained during the course of their employment.
44. Except as part of official duties, prior authorization by the responsible authority is needed for speaking engagements, issuing statements or giving interviews to the media, submit articles or books for publication. Blogs and social media are subject to the same principles as publications.

¹⁶ In line with Staff Regulations (Art 16).

¹⁷ In line with Staff Regulations (Art 12b), Commission Decision of 16.12.2013 on outside activities and assignments.

45. The obligation not to disclose information or publish any material relating to the work of a CSDP mission or operation without prior approval extends beyond separation from the mission or operation.
46. All personnel have the responsibility to process personal data of any kind with due care and in compliance with applicable European Union data protection rules.¹⁸

Consumption of alcohol and drugs

47. As a rule, personnel will not consume alcoholic beverages while on duty and will not report for, or be on duty, or appear in public in a state of intoxication. Only by way of exception, in the context of professional social duties, may a moderate consumption of alcohol be authorised while on duty.
48. Personnel will exercise restraint in their consumption of alcohol while off-duty. This must be particularly well observed where the consumption of alcohol is contrary to the customs or religion of the local population. In addition to criminal responsibilities that might ensue, driving under the influence of alcohol or drugs is strictly prohibited.
49. Personnel will not at any time consume, cultivate, distribute, possess, purchase or sell any illegal drug or narcotic.

Use of Mission or Operation assets

50. Personnel must handle carefully all assets entrusted to them, including communication networks, and maintain them in good order.
51. Furthermore, they must not utilise mission or operation assets for personal use unless expressly authorised in writing through the chain of command and in accordance with established Standard Operating Procedures.

¹⁸ Data protection rules relevant for CSDP missions and operations should reflect general data protection principles contained in the European Convention of Human Rights, the Charter of the Fundamental Rights of the European Union and the relevant EU legislation.

V. Principles for the Implementation of the Generic Standards

52. The Head of Mission or Commander is responsible for the implementation of the Generic Standards of Behaviour in the mission or operation. The personal conduct of the leadership will have a direct effect on that of their subordinates and they must act as role models and lead by example by upholding the highest standards of conduct. It is a function of leadership to respect and protect the rights and interests of subordinates and also of the local population.
53. The engagement of Heads of Missions, Commanders and senior management at all levels of the command chain is vital to ensure that standards of behaviour are implemented and adhered to. The Commanders and Heads of Missions should be suitably advised on the implementation of the Generic Standards of Behaviour.
54. Personnel are expected to familiarize themselves with the Generic Standards of Behaviour and other relevant documents such as codes of conduct and discipline, including by attending required training. Personnel must understand why they are expected to adhere to the Generic Standards of Behaviour in the discharge of their duties. The Generic Standards of Behaviour should be part of the mandatory pre-deployment training as well as Mission induction training.
55. It is imperative that all personnel are fully aware of not only their rights and obligations but also of the appropriate standards of behaviour. It is the duty of commanders and senior managers at all levels to ensure that these values and standards are accorded high priority, are fully explained to personnel and are applied consistently. Instances of unacceptable behaviour should be met by prompt and decisive action.
56. Each CSDP mission and operation will need to implement a fair and unbiased complaint procedure.¹⁹ The leadership has the duty to ensure that clear and appropriate provisions for the handling of complaints, including gender-related complaints²⁰, are in place, that their personnel are aware of the complaint procedures, and that the complaints of prohibited conduct are promptly addressed in a fair and impartial manner.

¹⁹ For civilian CSDP missions cf. 'Code of Conduct and Discipline for EU Civilian CSDP Missions' doc. 11961/16.

²⁰ Implementation of UNSCRs on Women, Peace and Security in the context of CSDP missions and operations (7109/12).

57. The Head of Mission or Commander needs to ensure that the local population in the mission or operation area is informed about the principles of the Generic Standards of Behaviour.
 58. Heads of Missions and Commanders are responsible to ensure that breaches of the Generic Standards of Behaviour are reported within the EU Chain of Command responsible for appropriate action, including cases of serious misconduct and criminal activity reported by personnel in CSDP Missions and Operations, thereby helping to combat impunity.
 59. Reporting on the implementation of measures taken to prevent and address misconduct in CSDP missions and operations, including sexual exploitation and abuse, should be included in the regular reporting requirements of the missions and operations.
-