



Civil Society Dialogue Network Policy Meeting

The EU Human Rights Due Diligence Policy on Security Sector Support: Gathering Civil Society Input

1 February 2023

MEETING REPORT

The overall aim of the meeting was to gather the analysis and recommendations of civil society experts on how the EU should identify, manage and prevent possible risks of human rights and IHL violations associated with its support to the security sectors of partner countries. In particular, the meeting served to gather input and feedback on the issues and points that should be considered and included in the EU Human Rights Due Diligence Policy on Security Sector Support (HRDDP) and its related implementation tools.

The meeting brought together 29 participants, including 14 civil society experts and 15 officials from the European External Action Service (EEAS) and the European Commission (EC).

The discussions were held under the Chatham House Rule. There was no attempt to reach a consensus during the meeting or through this report, which presents the key points and recommendations put forward by the civil society participants.

The Civil Society Dialogue Network

The Civil Society Dialogue Network (CSDN) is a mechanism for dialogue between civil society and EU policy-makers on issues related to peace and conflict. It is co-financed by the European Union (Instrument contributing to Stability and Peace). It is managed by the European Peacebuilding Liaison Office (EPLO), a civil society network, in co-operation with the European Commission (EC) and the European External Action Service (EEAS). The fourth phase of the CSDN will last from 2020 to 2023. For more information, please visit the [EPLO website](#).

Key Points and Recommendations

1. The EU should ensure that its support to the security sectors of partner countries is centred on the objective of improving the human security of populations, particularly that of vulnerable and marginalised groups.

- The EU should strengthen how it uses its political, economic and security cooperation leverage to defend and promote human security, human rights (HR) and international humanitarian law (IHL) in its political dialogue and in its cooperation with partner countries.¹ It should ensure that its approach is coordinated and integrated – including by making sure that any security sector support it provides is part of a broader, longer-term strategy to prevent conflict, build sustainable peace, improve human security, foster development and strengthen inclusive and responsive governance.²
- The EU should ensure that the HRDDP is not approached and implemented as an ‘add-on’ to reduce risks associated with its security sector support, but instead that it serves to ensure that the core objective of its support is to enhance civilian protection and the human security of populations, and to ensure that security forces uphold people’s fundamental rights, which often involves transforming the behaviour of security forces.³ Security sector support should be conflict-sensitive and therefore gender-sensitive, and it should never involve strengthening the capacities for violence of partners that violate HR and IHL.
- The EU should ensure that there is a consistent dialogue, coordination and cooperation on the implementation of the HRDDP between and within relevant EU services and actions. It should ensure a clear identification and distribution of roles and responsibilities within the EU institutions; it should be the responsibility of all EU services and actors to ensure compliance with the HRDDP (and not only that of the entity providing security sector support), especially with regard to risk mitigation and prevention and to the decision-making process that may trigger the presence, adaptation, suspension or termination of EU security sector support (having various institutional layers in such in decision-making process can delay reactions in case of an emergency and therefore have a harmful impact).

This should also involve ensuring adequate coordination between all EU actors present in a given country, as their actions may have an impact on risks and how they are mitigated – even if they do not engage in security sector support. There should be coherent high standards of risk management practice at all levels (including headquarters, EU delegations and security sector support missions).

- The EU should ensure that all EU personnel involved in the provision of security sector support (including in headquarters, EU delegations and missions) is extensively trained on HR, IHL, civilian protection, conflict prevention and conflict-/gender-sensitivity.
- The EU should create and strengthen incentives across its institutions for the implementation of the HRDDP, including in relation to monitoring, reporting and evaluation. At the staff level, this may also include requirements for expertise on human rights, IHL and conflict-/gender-sensitivity in job descriptions, dedicated elements on HR due diligence reporting in annual evaluations, etc.
- The EU should address internal inconsistencies relating to security sector support by responding to possible inconsistencies between EU Member States and their potential competing interests in a given country, and by ensuring the complementarity and consistency of its actions with those of its partners, including Member States. A disconnect between the engagements of the EU and of its Member States in partner countries can undermine the EU’s legitimacy and impact.

¹ It was argued that all partner countries receiving security sector support should accede to the Statutes of the International Criminal Court.

² For example, it was pointed out that corruption can be a driver of conflict, and that security sector support measures can fail to challenge, or can even feed into, corruption (and into associated risks of waste, diversion and misuse of provided equipment, particularly lethal equipment). This risk should be analysed, monitored and addressed as part of any assistance measure, and it should be considered as a possible reason for denying, suspending or terminating support.

³ In this regard, it was pointed out that in the ‘background note’ circulated to civil society participants, ‘where applicable’ should be removed from the sentence ‘[...] any security sector support EU provides is consistent with human rights law and international humanitarian law, where applicable.’

2. The EU should ensure that the rights and specific circumstances of all people, including diverse women, children and elderly, minorities, refugees, people with disabilities and vulnerable and marginalised groups, are fully included in human rights and IHL risk assessments and in conflict analyses.

- The EU should consult and involve diverse (local) civil society actors and population groups as part of its risk assessments and conflict analyses, particularly vulnerable and marginalised groups – not only to identify existing risks or how they may arise and possible risk mitigation measures, but also to determine whether to provide security sector support in the first place and how, and what other possible types of engagements should be considered and pursued.
- The EU should ensure that its assessments are conflict-sensitive and therefore gender-sensitive, and consider gendered risks and possible harm. It should listen, understand and respond to the wide range of vulnerabilities and abilities that exist in each context. This includes taking an intersectional approach to gender, as set out in the EU's [Gender Action Plan III](#), which states that EU action should 'address the intersectionality of gender with other forms of discrimination'.
- The EU should ensure that it considers as risk factors past HR and IHL violations, and past discriminations.
- The EU should ensure that its risk assessments take into consideration the roles that private security companies may play in a given country and how their actions impact populations, and whether/how the security forces that the EU is looking to support (or already supporting) are working with such companies.
- Risk assessments should be updated regularly, and they should be connected to mechanisms to adapt, suspend or terminate the EU's support (see point 5 below).

3. The EU should ensure that its security sector support contributes to more human rights and IHL-compliant security forces.

- The EU should ensure that its security sector support involves providing support to build and to strengthen national accountability mechanisms within the security forces and the justice systems of partners (this should include national justice mechanisms for fair trials of security personnel ordering or committing HR and IHL violations), and that its support is dependent on commitments and concrete actions by partners in this direction. Partner governments' oversight institutions should be open and responsive to input by populations, and they should approach security issues holistically (this is often not the case when interior ministries are the responsible institution). Reforms should be communicated to the wider public, to ensure that people understand the channels they have access to in order to report abuses, and to help address perceptions of impunity of security forces.
- As supported security forces often do not have in-depth understandings of human rights due diligence policies and processes, and do not necessarily have standard operating procedures for designing and implementing risk prevention and mitigation measures to avoid harm and to protect civilians, the EU should help build and strengthen relevant processes and policies in partners' security forces. In addition, to ensure sustainability on the long term, it is important to promote national ownership for the responsibility and implementation of human rights due diligence processes and for the implementation of risk mitigation measures.
- The EU should support and help provide robust trainings to security forces on HR, IHL and the protection of civilians. These trainings should be comprehensive and extensive (and not short, one-off exercises), and they should include analysing and transforming possible default (sometimes previously-trained) violent responses of security forces personnel to certain situations. They should equip participants with skills and tools for non-violent communication and non-violent conflict transformation. Regular follow-ups should be organised with trainees, and their behaviour and security actions post-trainings should be monitored closely.

The (EU and non-EU) trainers themselves should also be adequately selected, trained and supported for this purpose and on all of the above (this should also be the case for any EU personnel deployed as part of security sector support efforts, as indicated previously). If possible, trainers should come from local populations (the security forces being trained may also have a higher tendency to pay attention to, and respect, guidance that is provided by uniformed trainers).

- The EU should communicate its objectives and expectations clearly to partner countries' security forces with regard to their compliance with HR law and IHL, and to achieving positive human security outcomes. It should communicate the existence, purpose and modalities for implementation of the HRDDP from the start of the security sector support mission mandate, and it should continue to pursue this communication throughout all phases of its engagement. This is crucial to avoid misconceptions among supported security forces: they should consider the protection of civilians to be at the core of the mandate, and not perceive HR considerations as a peripheral issue associated with possible punishment.
- The EU should support the roles that civil society actors may play in connecting security forces and local populations and in building trust between them. This may include helping to set up dialogue committees at the community level, so as to provide forums for civilians to raise their concerns and perceptions of (in)security, for security forces to listen to them and respond, and for the two to discuss solutions (with the EU possibly acting as facilitator), and it may also include involving civil society actors in trainings provided to security forces in order to help build mutual understandings. In addition, the EU should support the creation or the strengthening of early warning systems allowing civil society actors and populations to report HR violations and to suggest responses.
- The EU should pursue gender-transformative policies that go beyond including and protecting women. It should systematise trainings on disentangling the use of force and violence from masculinities, and equip security forces with resources and tools for psychological support, therapy, and emotions and trauma processing.
- The EU's HRDDP should include provisions relating to the protection of individuals' data, and the EU should ensure that its security sector support includes adequate provisions and safeguards for data protection (e.g. in relation to surveillance systems).

4. The EU should engage with, and support, civil society actors as part of efforts to ensure that security forces supported by the EU comply with IHL and IHRL.

- The EU should engage with and involve diverse (local) civil society actors (as well as engage with populations directly) through all phases of its security sector support, including for implementation and capacity strengthening, monitoring and evaluation (in addition to risk assessments).
- The EU should help build the capacities of local civil society actors to monitor HR and IHL violations, including through adequate resources and trainings on their rights and the legal channels to defend them, and on the obligations of security forces. The EU should also defend an open civic space and the ability of civil society actors to speak up publicly and privately about violations, and to carry out advocacy to push for changes.
- Internal reporting on the EU's security sector support should include an emphasis on how diverse civil society actors were consulted as part of efforts, and on what the impact of the consultations was (with concrete examples for both).
- The EU should increase and strengthen its public communication efforts and its transparency about the security sector support it provides to partner governments. This should involve sharing holistic information on its support widely (including on the objectives pursued), and updating this information regularly. The EU should address dis/misinformation relating to its support.

5. The EU should ensure that its security sector support involves robust safeguards and is connected to monitoring, feedback and accountability mechanisms that may lead the EU's support to be adapted, suspended or terminated based on the evolution of the context and on the behaviour of supported security forces.

- The EU should ensure that it has clear guidelines and mechanisms for adapting, suspending or terminating engagements whenever it provides partners with security sector support, in case security forces do not adequately respect HR and IHL, risks for the human security of populations relating to the support provided cannot be mitigated, engagements are not conflict-sensitive, or feedback from civil society actors indicates that the engagements are doing harm / not achieving their objectives. It should have robust frameworks for follow-up after incidents of possible HR and IHL violations by supported security forces (or their partners, including private security companies), including strengthening risk

assessments and putting in place prohibitions regarding the provision of military equipment. It should be ready to adapt, suspend or terminate harmful programmes quickly.

- The EU should ensure that any security sector support it provides (including through CSDP missions) comes with / is connected to an EU accountability mechanism that is open and accessible to populations (this should include specific protections for whistle-blowers), that gathers complaints and feedback, and that monitors harm, civilian casualties and grievances in a transparent manner. The mechanism should monitor the conduct of deployed EU personnel and of the security forces being supported. The EU should ensure that populations are aware of the mechanism and of how to use it. The mechanism should be connected to and determinant in the above-mentioned processes to adapt, suspend or terminate support.
- The EU should ensure that robust policies and mechanisms are in place to prevent and respond to sexual exploitation, abuse and harassment (SEAH). These should include detailed standards, responsibilities, monitoring mechanisms, and reporting and response procedures that apply to all personnel, regardless of location, and should form part of the contract of employment. The EU should make reporting of suspicion of wrongdoing a mandatory obligation regardless of country of operation. The SEAH policy should detail how to handle complaints, and investigate and handle findings, including through disciplinary process or by referral to the police, external auditors or independent investigators.
- The EU should communicate clearly and transparently on how it responds to HR and IHL violations by supported security forces.⁴
- The EU should build and strengthen internal processes to ensure that evaluation and learning, particularly lessons learned from failures and from responses to HR and IHL violations by previously-supported security forces, are used to inform current and future engagements, including decisions on whether or not to provide security sector support.

⁴ This should include being transparent on possible inconsistencies between its responses to HR and IHL violations by supported security forces in different countries.