

Lesson 4



Human Rights Due Diligence Policy

Lesson at a Glance

Aim

To familiarise UNPOL with the responsibilities and opportunities emerging from the United Nations Human Rights Due Diligence Policy on UN support to non-UN security forces.

Relevance

The UN HRDDP is a binding policy established by the Secretary-General and repeatedly endorsed by the UN Security Council.

The UN needs to safeguard its reputation and must not become morally or legally complicit to grave human rights violations.

The UN uses its security support as a lever to achieve positive change.

Learning Objectives

Participants will be able to:

- Illustrate the due diligence responsibilities for UNPOL when providing support
- List the main elements of HRDDP risk assessments
- Describe possible mitigation measures to prevent human rights violations associated with joint operations or operational support
- Explain the leverage the HRDDP can provide in advancing the UN Police agenda

Lesson Overview

- Basic Principles of the HRDDP
- Scope of Application
- Risk Assessment
- Mitigation Measures
- Monitoring Compliance and Intervention
- Mission Modalities to Implement the HRDDP

Lesson Map

Basic Principles of the HRDDP	Slides 5-6
Scope of Application	Slides 7-10
Risk Assessment	Slides 11-12
Mitigation Measures	Slides 13-17
Monitoring Compliance and Intervention	Slide 18
Mission Modalities to Implement the HRDDP	Slide 19

The Lesson

Duration: 90 minutes total

40 minutes: learning activity

50 minutes: interactive presentation



Starting the Lesson

To start the lesson, ask the participants to recall the legal framework for UN peace operations covered in CPTM 1.4. Participants should be able to recall International Human Rights Law, International Humanitarian Law and Refugee Law.

To bridge into the topic of the lesson, ask participants to explain the concept of **aiding and abetting** another person's crime. The following elements should be mentioned: A person charged with these accomplice crimes is usually not present when the crime itself is committed, but he or she has knowledge of the crime before or after the fact and may assist in its commission through advice, actions, or financial support.

Next, explain that the same principle exists in international law, which is why the UN has the Human Rights Due Diligence Policy (HRDDP) to avoid aiding and abetting violations by others (i.e., non-UN security forces it supports in a peace operation).

Ask participants to share their understanding of the term "due diligence". Potential answers include:

- reasonable steps taken by a person (organisation) to avoid committing a tort or offence, or
- a comprehensive appraisal of a counterpart, especially to establish its assets and liabilities and evaluate the possible risks.

Based on knowledge from the CPTM, discuss with participants why the UN needs the Human Rights Due Diligence Policy (HRDDP) and its importance. The following points should be considered:

- In some past missions, the United Nations found that national military and police units it supported were committing grave human rights violations such as torture, rape or extrajudicial killings.
- This posed a major problem for the reputation of the United Nations and carried potential problems of legal liability (to the extent that UN support could be seen as aiding and assisting such violations).
- For this reason, the Secretary-General approved the HRDDP as a systemwide policy that applies in peace operations and any other activity of the United Nations. Practical experience shows that the HRDDP can also be used to change the

behaviour of national partners generally, because they know that they will only continue to receive UN support if they do not commit any grave violations.

- *In this regard, HRDDP and UNPOL's work to reform national police services in line with international standards mutually support each other (cross-connection to MMA and CBD activities).*
- *The HRDDP is primarily aimed at ensuring that any support given to non-United Nations security forces is consistent with the UN's purposes and principles and its responsibility to respect, promote and encourage respect for international humanitarian law, international human rights law and international refugee law.*

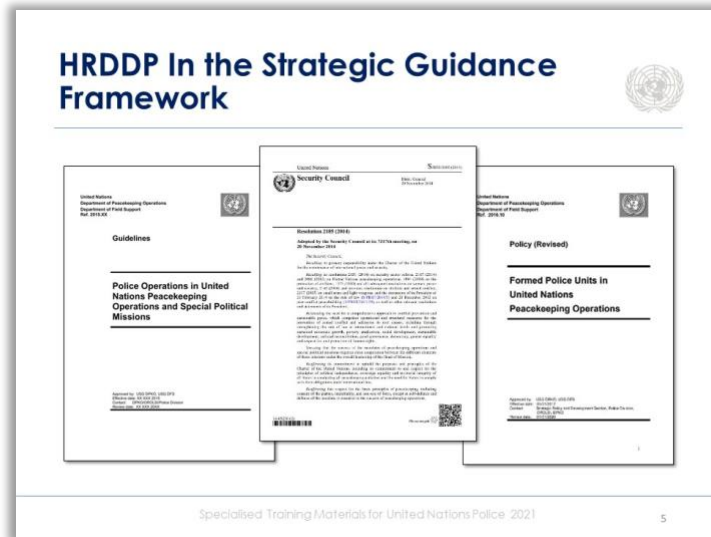
After the discussion introduce the following (using the introductory slides 1-4):

- *Aim*
- *Relevance*
- *Learning Objectives*
- *Lesson Overview*

Discuss the session's relevance with the participants before presenting the Learning Objectives and the Lesson Overview.

The facilitator should be well-versed in the legal framework for UN Peacekeeping covered in CPTM 1.4, especially International Human Rights Law, Humanitarian Law and Refugee Law. Facilitators should study the United Nations Human Rights Due Diligence Policy (UN Doc A/67/775-S/2013/110, 5 March 2013) and the HRDDP Guidance Note available at <http://hrbaportal.org/wp-content/files/Inter-Agency-HRDDP-Guidance-Note-2015.pdf>.

Slide 5



Key message: Like all of the UN, UNPOL must adhere to the Human Rights Due Diligence Policy.

The United Nations Human Rights Due Diligence Policy (HRDDP)¹ applies to all United Nations entities providing support to non-United Nations security forces. It therefore applies not only to Peace Operations and Special Political Missions, but also to all United Nations offices, agencies, funds and programmes that engage in such activities.

The HRDDP applies to all Peacekeepers, civilian and uniformed, including IPOs and FPU due to their task of protecting civilians.

HRDDP responsibilities are firmly anchored in UNPOL's Strategic Guidance Framework, including the Policy on the United Nations Police in Peacekeeping Operations² and the Formed Police Units Policy³. Recall that Security Council Resolution 2185 on Policing⁴ specifically requires UNPOL to comply with the HRDDP as well.

¹ United Nations Human Rights Due Diligence Policy, UN Doc A/67/775-S/2013/110, 5/03/2013
https://www.ohchr.org/Documents/HRBodies/SP/AMeetings/20thsession/IdenticalLetterSG25Feb2013_en.pdf

² DPKO-DFS Guidelines on Police Operations in UN Peacekeeping Operations and Special Political Missions, Ref. 2015.15
<https://police.un.org/en/policy-united-nations-police-peacekeeping-operations-and-special-political-missions-2014>

³ Policy on Formed Police Units in United Nations Peacekeeping Operations, Ref. 2016.10
<https://police.un.org/en/policy-formed-police-units-united-nations-peacekeeping-operations-2016>

⁴ Resolution 2185 (2014) / adopted by the Security Council at its 7317th meeting, on 20/11/2014
<https://digitallibrary.un.org/record/783462?ln=en>

UNPOL Policy: UNPOL shall apply the HRDDP, which requires:

- **assessing risks** that police services receiving support from the United Nations Police may commit grave human rights violations,
- identifying **mitigating measures**,
- **monitoring behaviour** if support is provided, and
- **interceding with support recipients** if grave violations are committed.

Formed Police Units Policy: The main areas of [FPU] cooperation with the host-State police are the planning and conduct of police actions or operations **in compliance with the Human Rights Due Diligence Policy**.

Slide 6

HRDDP in UN Support to Non-UN Security Forces

The United Nations cannot provide non-UN security if:

- There is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law
- Relevant authorities fail to take the necessary corrective or mitigating measures

Prevents legal liability for aiding violations and protects U.N. credibility and impartiality

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Key message: The HRDDP protects UN and UNPOL personnel from legal liabilities and reputational risks by ensuring that we do not support human rights violations.

The Human Rights Due Diligence Policy (HRDDP) binds the entire United Nations, not just peacekeepers. It was established by the Secretary-General and the Security Council has repeatedly endorsed it.

According to the HRDDP, support to non-UN security forces cannot be provided

- where there are substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law, and
- where the relevant authorities fail to take the necessary corrective or mitigating measures.

All UN entities that plan to or are already providing support to non-UN security forces must therefore conduct an assessment of the risks involved in providing or not providing such support before any support is provided. This assessment needs to take into account the risk of the recipient entity committing grave violations of international humanitarian law, human rights law or refugee law. Furthermore, the UN must consider whether there are any mitigation measures that can reduce the risk of violations (e.g., increasing training or excluding problematic units from support; see discussion later in the session).

The HRDDP ensures that the UN does not support or collaborate with host-State elements that are involved in grave violations of human rights, of international humanitarian law or refugee law. The policy serves to protect the United Nations and its personnel from legal liability for inadvertently aiding violations committed by others. Distancing the UN from state

forces involved in grave violations also protects the UN's reputation, credibility and perceived impartiality.



Provide an example of the application of HRDDP in mission. The United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) provided transport to national army units in the Democratic Republic of the Congo. When the United Nations found that some national army units who received UN support were violating human rights and international humanitarian law, the Security Council made further MONUC support conditional on compliance with international humanitarian and human rights law. Provide the handout "Press Release" to participants to learn more about the MONUC example. This handout is in the [Annex](#) to this document.

The HRDDP was established against the backdrop of the Security Council's conditionality policy in the DRC. Since the adoption of the policy in 2011 and starting with the Democratic Republic of the Congo, various peace operations have incorporated human rights due diligence operating procedures.

Slide 7

Who are Non-UN Forces?

Policy excludes:
UN peacekeeping forces, private security companies or non-State armed groups

National military, paramilitary, **police**, intelligence services, border control ... and similar security forces

National civilian, paramilitary or military authorities in charge of such forces (e.g., **Ministry of Interior**)

Peacekeeping forces of **regional international organisations** (e.g. AU police components)

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Key message: The HRDDP applies to support given to national police services and the ministries overseeing them.

The HRDDP applies to any support given to non-United Nations security forces, including:

- National police and other law enforcement forces, such as customs authorities, coast guard, border patrol or national wildlife rangers
- Civilian authorities in charge of security forces, such as a Ministry of Interior
- Peacekeeping forces of regional international organisations, such as the African Union Mission in Somalia (AMISOM)

Support between United Nations forces or provided to private security companies (e.g., when contracting them to secure United Nations premises) is not covered by the HRDDP. Non-State armed groups would generally not receive United Nations support anyway, although the United Nations may engage them with sensitisation measures to enhance their compliance with international norms on prohibited weapons, human rights or humanitarian law.

Slide 8

What is UN Support?





Within scope:

- Joint operations
- Training, mentoring, and technical cooperation
- Operational and logistical support
- Sharing of intelligence
- Financial support

HRDDP applies regardless whether ad hoc or programmatic support

Excluded:

- Mediation
- Medevac
- Human rights-related activities

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Key message: The HRDDP applies to a broad range of support provided to host-State police, including operational support, intelligence sharing and financial support.

Any programmatic or ad hoc support provided by the UN to non-UN security forces must follow the HRDDP, including:

- Joint operations (e.g., joint patrolling, joint public order management operations involving FPUs)
- Training, mentoring, and technical cooperation (e.g., operational planning or training on the use of less lethal equipment)
- Operational and logistical support (e.g., provision of transportation, weapons or communications)
- Sharing of intelligence
- Financial support (salaries, allowances and expenses)

Only a narrow range of activities are excluded from the HRDDP:


- Mediation support (e.g., transporting or protecting participants in peace negotiations, even if they were involved in grave violations)
- Medical evacuations (saving lives takes precedence)
- Training, sensitisation, standard setting or other engagement to promote compliance with international human rights, humanitarian and refugee law (These activities seek to resolve the very problems the HRDDP is concerned with.)

The HRDDP also applies where support is provided on an ad hoc basis without programmatic planning.

Slide 9

Grave Violations Under the HRDDP

- War crimes
- Crimes against humanity
- Gross human rights violations (summary executions, torture, inhumane treatment, sexual violence, enslavement etc.)
- Patterns of repeated violations of IHL, HR or refugee law



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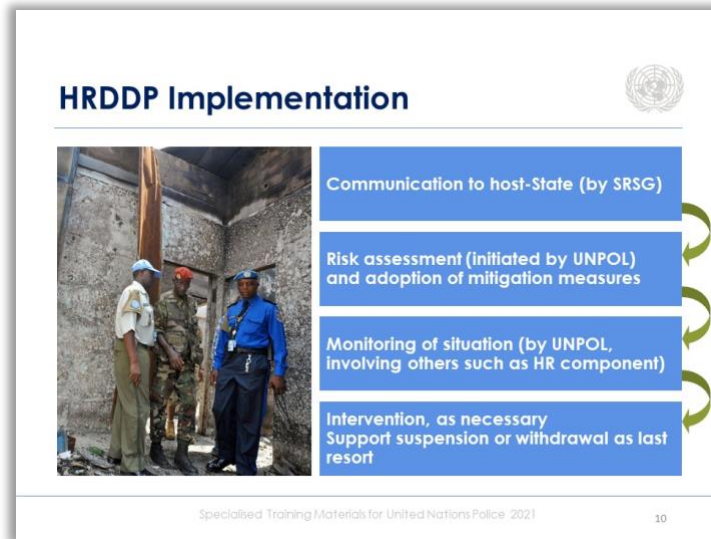
Key message: UNPOL has to assess whether host-State police is involved in any serious violations before providing it with any type of support.

The provider of support must assess the risk of the receiving security forces units committing:

- **War crimes** (e.g., attacking civilians or torturing prisoners of war/captured fighters)
- **Crimes against humanity** (systematic or widespread inhumane acts such as murder, torture, enslavement, rape or prolonged arbitrary detention)
- **Gross human rights violations** including summary executions and extrajudicial killings, acts of torture, enforced disappearances, enslavement, rape and sexual violence of a comparable serious nature or acts of refoulement* under refugee law, unless these are only isolated or sporadic
- **Repeated violations of international humanitarian, human rights or refugee law** committed by a significant number of members of the unit or the institution as a whole (For example, if a police academy excluded women from the officer track, this would amount to a pattern of gender discrimination and hence a grave violation under the HRDDP.)

* Removal or transfer of persons, regardless of their status, where there are substantial grounds for believing that the returnee would be at risk of irreparable harm upon return on account of torture, ill-treatment or other serious breaches of human rights obligations.

Slide 10



Key message: HRDDP implementation requires communication of the policy, risk assessment and mitigation, follow-up monitoring and intervention where necessary.

Implementation of the policy at country level involves four consecutive phases:

1. **Communication** of the policy to national authorities and other external partners
2. **Risk assessment** and, if relevant, mitigating measures
3. **Monitoring**
4. **Intervention** when grave violations are committed

The HRDDP should be communicated to the host-State by the highest UN official in the country (i.e., the SRSG in mission settings or the Resident Coordinator in non-mission settings). UNPOL should follow up by communicating it to national law enforcement counterparts.

The entity wishing to provide support (e.g., the mission's police component) must initiate a risk assessment prior to providing support. Other parts of the mission add to the risk assessment in accordance with mission-specific procedures. If the risk is not acceptable, mitigation measures must be adopted and implemented. The risk assessment should be an ongoing exercise; it should be updated regularly on the basis of new circumstances, cases or measures taken by security forces receiving support.


It is the responsibility of the entity providing support to establish a suitable monitoring system of the receiving security forces' actual conduct. In practice, human rights components will often be involved in the monitoring. If monitoring cannot be done (e.g., due to denial of UN access to recipient facilities such as police holding cells) this constitutes in and of itself a considerable risk factor and may exclude support.

If violations are committed, the supporting entity has to ensure that the mission intervenes at the appropriate level with the recipient authorities to bring violations to an end. If violations persist, support must be temporarily suspended or withdrawn altogether.

IPOs can also intervene when they are heading projects, including Quick Impact Projects and during monitoring of their counterparts.

Slide 11

HRDDP Risk Assessment: Factors to Consider



- Human rights record of recipient (e.g., past use of excessive force)
- Accountability record (disciplinary/criminal sanctions)
- Prevention mechanisms (e.g., oversight mechanism)
- Legislative / policy framework for operations
- Feasibility of monitoring framework by UN or others
- Risks inherent to particular operation and kind of support
- UN ability to influence and risks of not providing support

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Key message: UNPOL must consider several factors when assessing the human rights risk, starting with the supported police's past human rights record.



Present this slide again when or after debriefing on the learning activity on slide 12.

Human rights record: the intended recipient(s)' record of compliance with international humanitarian, human rights and refugee law including any specific record of grave violations. This analysis of the recipient's past conduct should not be limited to the possible commission of grave violations. Other, less serious types violations are equally relevant to the risk assessment as they may lead to grave violations. The supporting UN entity will decide the extent of the period taken into consideration.

Accountability record: the record of the recipient(s) in taking or failing to take effective steps and corrective measures to hold perpetrators of any such violations accountable, both generally and for specific cases of violations. The effective nature of these "steps" should be assessed on the basis of relevant international human rights standards (for example, a mere disciplinary procedure is not adequate for an act of torture).

Prevention mechanisms: whether any corrective measures or mechanisms have been taken or institutions, protocols or procedures put in place with a view to preventing the recurrence of such violations. Additionally, the adequacy of such mechanisms (including institutions) to hold any future perpetrators accountable must be assessed. This assessment should address whether the recipient forces are trained, equipped and staffed to prevent violations.

Legislative/policy framework: whether certain legislations or policies (for example, a so-called "shoot to kill" policy) may contribute to an increased risk of grave violations.

Feasibility of monitoring framework: the feasibility of putting into place effective UN mechanisms for monitoring the use and impact of the support provided. Practical challenges do not relieve the UN entity from its monitoring obligations under the policy. Rather, in situations where monitoring the behaviour of support recipients is practically impossible despite the existence of a risk, the UN entity may have to reconsider its support altogether.

Risks inherent to the operation: The assessment should consider the risks that are inherent to the operation for which support is provided (if relevant). For example, certain types of military or security operations such as counter-terrorism or operations in heavily populated areas may carry additional risks due to their very nature. These risks exist independently from the record of those security forces that carry them out.

Risks inherent to the kind of support envisaged: The assessment should also take into consideration whether the type of support requested or envisaged could potentially contribute to or facilitate the commission of grave human rights violations, or whether such support could be used in a way to commit grave human rights violations (e.g., when lethal weapons are supplied).

UN's ability to influence and risk of not providing support: an assessment of the degree to which providing or withholding support would affect the UN's ability to influence the behaviour of the receiving entity. For example, in situations where the support is essential to the functioning of the recipient entity, providing the support will increase the UN's ability to influence the recipient, including their compliance with international standards. In other situations where UN support represents only a minor portion of the support received, influence over the recipient entity may be reduced.

Learning Activity

4.1

Risk Assessment Case Study

INSTRUCTIONS:

- Let participants work in small groups.
- Ask the groups to carefully read the case study provided on the next page.
- Ask participants to identify the risk factors for giving UNPOL support to the Leopard Special Police Unit using the categories listed on the previous slide.
- Let the groups present their findings in plenary.
- If necessary, add to the discussion from the Learning Activity Facilitator Debriefing Notes provided.

TIME: 20 minutes

- Group work: 10 minutes
- Discussion: 10 minutes

RESOURCES

- Slide with instructions to participants
- Handout with case study (see next page)
- Flipcharts and markers

Learning Activity 4.1: Risk Assessment



Instructions

- Carefully read the case study
- In your groups:
 - Identify the risk factors for giving UNPOL support to the Leopard Special Police Unit
 - Record your answers on a flipchart paper
- Present your ideas to the plenary
 - **Time:** 20 minutes
 - **Groups:** 10 minutes
 - **Discussion:** 10 minutes

Learning Activity – Handout**4.1****Risk Assessment Case Study**

- The host-State requests UNPOL to train its new **Leopard Special Police Unit**, established to combat violent gangs involved in trafficking of drugs, arms and persons.
- Leopards are composed of former military. They are armed with AK 47s and are under orders to "shoot to kill" gang members as per their use of force directives.
- In their first 6 months, Leopards arrested 80 gang members and killed 35 more. The host-State police insists that all 35 killings were properly investigated and the Leopard commander did not have to lift the special immunity from prosecution that his officers enjoy under national law.
- Amnesty International alleges that 5 gang members were summarily executed. Local authorities prevented the victims' families from speaking to the mission.

Which factors does UNPOL need to consider for the HRDDP risk assessment?

Learning Activity – Facilitator Debriefing Notes

4.1

Case Study

The discussion should identify the risk factors, building on the categories listed in slide 11. **For more advanced learners, the instructor may wish to change the order of slides 11 and 12, using slide 11 for debriefing the exercise.**

Use the following notes to debrief the activity if not identified by the participants:

Recipient's human rights record: There is an allegation from a reputable NGO that the recipient was engaged in repeated gross violations (5 summary executions). Furthermore, the high arrest-to-killings ratio coupled with the "shoot to kill" orders indicates that the recipient regularly uses excessive lethal force amounting to extrajudicial killings.

Accountability record: No one has been held accountable and the recipient entity can prevent accountability as its commander controls immunity from prosecution.

Prevention mechanism: Oversight and accountability mechanism falls short of international standards. Even assuming the investigations were sufficiently effective and independent (scenario leaves this open), the chain of command ultimately controls whether immunity is lifted. The risk is aggravated by the fact that the force is formed from military personnel trained in and used to engaging combatants with lethal force using military weapons.

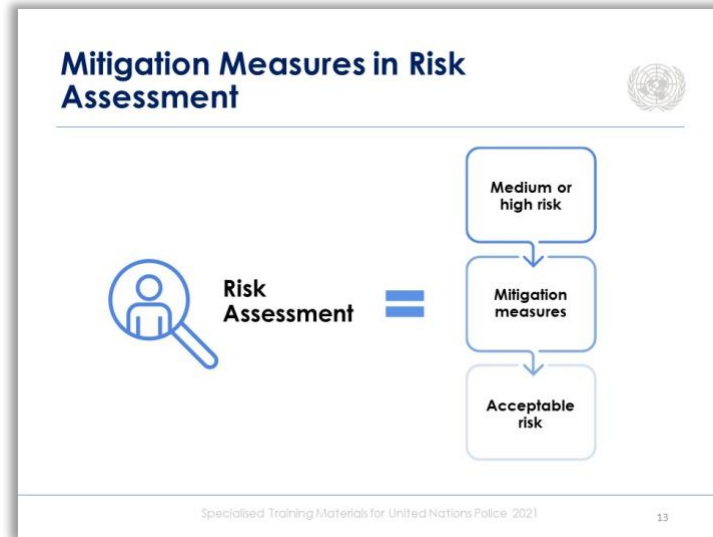
Legislative/policy framework: The directive on the use of force is not in line with international standards, notably the UN Basic Principles on the Use of Force and Firearms. Law enforcement may only "shoot to kill" to protect themselves or others from an imminent threat to life. They may not shoot gang members on sight.

Feasibility of monitoring framework: The authorities prevent victims' families from speaking to the mission, undermining the mission's ability to investigate cases of killings.

Risks inherent to the particular operation: UN would provide operational training for precisely the type of armed operations in which gross violations are being committed.

UN's ability to influence conduct and risk of not providing support: Unclear how much sway the UN has over the recipient's conduct. It must be taken into account that the recipient forces are tasked to address human rights abuses (human trafficking) and that training them can actually help limit the recipient's use of excessive force. However, given the overall risk factors the mission could not engage unless very significant mitigation measures are adopted. These may include changing the recipient unit's directive on the use of force, lifting legal immunities, providing the Leopards with less lethal weapons for raids (e.g., stun grenades) and related training.

Slide 13



Key message: A medium or high risk does not automatically exclude support if adequate measures can be taken by the UN or the host-State police support recipient to mitigate the risk.

A very important element of the HRDDP is the identification and integration of mitigatory measures into support provided by UN entities to national or regional security forces. In mission settings, support to new, inexperienced or poorly-controlled national security forces will often carry a certain risk of the recipient engaging in violations. This reality does not automatically rule out providing support; instead, mitigatory measures can lower the risk that security forces will commit grave violations. A final decision regarding the support should take place only after all suitable mitigatory measures have been considered.

The following learning exercise will provide examples of mitigatory measures.

Learning Activity

4.2

Mitigating Measures Group Discussion

INSTRUCTIONS:

- Let participants work in small groups.
- Describe the following situation: “A host-State requests UNPOL and its FPU support national police in crowd control operations related to major opposition demonstrations. However, the national police often uses excessive force in handling such demonstrations.”
- Ask participants to discuss in their groups:
 - What mitigating measures would you recommend to reduce the risk that supported national police units engage in excessive force?
 - How can mitigating measures provide strategic leverage to advance UNPOL's objectives?
- Let the groups present their findings in plenary.
- Debrief with the next slides.

TIME: 20 minutes

- Group work: 10 minutes
- Discussion: 10 minutes

RESOURCES

- Slide with instructions to participants
- Flipcharts and markers

Learning Activity 4.2: Mitigation Measures



Instructions

- A host-State requests UNPOL and its FPU to support national police on crowd control in relation to major opposition demonstrations. However, the national police often uses excessive force in handling such demonstrations.
 - Discuss in your groups:
 - What mitigating measures would you recommend to reduce the risk that supported national police units engage in excessive force?
 - How can mitigating measures provide strategic leverage to advance UNPOL's objectives?
 - Record your answers on a chart paper
 - Present your ideas to the plenary
- **Time:** 20 minutes
 ▪ **Groups:** 10 minutes
 ▪ **Discussion:** 10 minutes

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Participants should recognize that the HRDDP does not unduly restrict their ability to work with national police forces, but rather provides them with leverage to insist on police reforms and other measures that should be a constant priority for UNPOL's engagement.

Slides 15 and 16

Debrief: Mitigation Measures for Crowd Control Support



- Joint planning of operations
- Exclusion of problematic national units from supported operations
- Providing non-lethal weapons and training on their use
- Reviewing/revising orders for compliance with international standards
- Joint monitoring by UNPOL and Human Rights Officers (HROs) of crowd control
- UN access to detainees who were arrested in operation

HRDDP is risk management, not blunt conditionality

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Debrief : Mitigation Measures for Crowd Control Support



- Human rights training for police
- Commitments to ensure accountability for identified past cases of excessive force
- Police reforms to ensure command and control of operations and strengthen independent oversight mechanisms
- Vetting of national riot police to remove problematic officers
- Lessons learned meetings between national police and UNPOL

HRDDP is risk management, not blunt conditionality

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Key message: Risk mitigation measures are often the same reforms and changes that UNPOL would want to see the host-State police make in general.



Use these slides to debrief and reinforce the discussion activity on slide 14.

A human rights-based approach to crowd control will help mitigate risks associated with prior negative conduct by the host-State police.

Some mitigation measures are to be adopted by the recipient, others by the mission providing support. While providers of support should think creatively and “outside the box”

about mitigation measures, such measures often fall into one or more of the following categories:

- **Capacity building measures** such as human rights training for the police or providing less lethal weapons and related training
- **Accountability and corrective measures** to ensure disciplinary and—as appropriate—criminal accountability for identified past cases of excessive force or other violations
- **Planning measures** such as joint planning and joint after-action reviews/lessons learned meetings
- **Monitoring and reporting-related measures** such as deploying mission staff to observe sensitive operations and insisting on access to places where violations may occur (such as detention facilities)
- **Measures related to changes in rules, policies and laws** such as police reforms to ensure better command and control of operations, changes to policies and directives on the use of force;
- **Exclusion of problematic units** based on vetting of supported units and their commanders

Slide 17



Lessons Learned from UN Military:

To mitigate risks of joint military operations:

- Conduct joint planning and contingency planning
- Perform after action reviews
- Use background checks
- Exclude problematic units and commanders
- Insist on individual accountability and case referral

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Key message: UNPOL should seek to learn from the experience of other components (e.g., the military) when devising adequate mitigation measures.




Use this slide to debrief and reinforce the discussion activity on slide 14.

Since all mission components are required to respect the HRDDP, civilian, police and military components can learn from one another on how to identify and apply mitigation measures. Military components in missions like MONUSCO have gained considerable experience in insisting on and adopting mitigatory measures to contain the risk inherent to joint military operations with local forces:

- Joint planning, including for contingencies where violations become more likely (e.g. when violence unexpectedly escalates)
- After action reviews
- Background checks with a view to excluding problematic units
- Insistence on accountability for past cases of violations, notably by ensuring that cases are probably referred to and followed up by the competent investigative and prosecutorial mechanisms.

Slide 18

Monitoring and Intervention



Monitoring System:

- Responsibility of supporting entity
- Cooperation with HR component

Intervention:

- Mitigation and dialogue
- Suspension/Withdrawal of support

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Key message: When supporting the host-State police, UNPOL must ensure that it monitors the conduct of supported police units, cooperating with the human rights components as necessary.

Monitoring under the HRDDP (hereafter HRDDP monitoring) does not require a human rights monitoring mandate similar to the one entrusted to OHCHR or deriving from General Assembly, Security Council or Human Rights Council resolutions. HRDDP monitoring is specifically related to the support provided by the UN entity. In addition to elements of human rights monitoring, HRDDP monitoring has elements of programmatic monitoring and evaluation frameworks (M&E) that are used in most UN projects and programmes. The following is recommended to establish an adequate monitoring framework:

Identification of monitoring responsibility: Specific staff/work units should be designated for this task. While mission components providing support may seek assistance from other UN partners for HRDDP monitoring, each entity retains the primary responsibility for monitoring the behaviour of security forces in the context of the specific support they provide.

Monitoring format: It is important that there be a pre-established and agreed format to compile and process HRDDP monitoring related information (logbook or other type of document).

Sources of information: The UN entity can rely on many sources, such as information gathered by the human rights component, JMAC or UNPOL itself, from credible local and international NGOs, media information, information provided by diplomats or reports from universal human rights mechanisms.


The UN country presence should define and coordinate who is going to intervene, at what stage, with which counterpart, and when. When interventions by the component delivering the support do not result in actions aimed at bringing violations to an end, it

should refer the situation to the SRSG for follow-up, including where appropriate at the SRSG's political level.

Capacity constraints will likely prevent HRDDP officials from widely monitoring the policy's implementation in the field. Therefore, it is vital that Mission leadership empower and require other peacekeeping officials in field locations to regularly share information on the policy's implementation with the HRDDP Secretariat.

Military and UNPOL officers can play particularly important roles in monitoring the movements of host-Country troops and units and in requesting information from national security forces on the use of Mission support.

Slide 19

HRDDP Implementation 	
How	Implementation framework (Mission-specific SoP on HRDDP)
Who	HRDDP Taskforce operating at senior and working level
When	Before support is given and throughout duration of support

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Key message: UNPOL should ensure to implement the HRDDP in line with the mission-specific procedures that peace operations will have established.

Usually, larger missions will have established mechanisms, bodies and procedures to ensure HRDDP compliance. Notably, missions will have adopted mission-specific HRDDP implementation guidance such as standard operating procedures. Many missions will typically also have taskforces or working groups, operating at working and senior level, to coordinate HRDDP implementation and ensure a coherent approach between different components and also vis-à-vis the UN Country Team. UNPOL staff, including at command level, must familiarise themselves with these procedures and assume the responsibilities they are assigned at mission level. Heads of components and ultimately the SRSG are accountable for HRDDP implementation.

Slide 20



To wrap-up and summarise the main take-aways from this lesson, pose these three questions to the learners:

- **What?** What did you notice in this lesson? Which elements stood out to you?
- **So What?** Make sense of the facts presented in this lesson. How do they affect your work as an IPO in the mission? Why is this important?
- **Now What?** Based on the two previous questions which actions will you take with regard to the HRDDP once deployed?

Give learners a few minutes to reflect on the questions and let them share. Raise the following points:

What?

Like all of the UN, UNPOL must apply the Human Rights Due Diligence Policy. The HRDDP protects the UN and UNPOL personnel from legal liabilities and reputational risks by ensuring that we do not support human rights violations.

The HRDDP applies to support given to national police services and the ministries overseeing them. The HRDDP applies to a broad range of support to the host-State police, including operational support, intelligence sharing and financial support.

So What?

UNPOL must assess whether supported host-State police are involved in any serious violations before providing it with any type of support. HRDDP implementation requires: Communication of the policy, risk assessment and mitigation, follow up monitoring and intervention where necessary.

UNPOL must assess several factors to assess the human rights risk, starting with the supported police's past human rights record.

UNPOL should take adequate measures to mitigate the risk. Risk mitigation measures are often the type of reforms and changes that UNPOL would want to see the host-State police make anyhow.

Now What?

When arriving in the mission, UNPOL staff, including at command level, must familiarise themselves with the mission-specific implementation procedures of the HRDDP and assume the responsibilities they are assigned at mission level. UNPOL should implement the HRDDP in line with the mission-specific procedures that peace operations have established.

Summary

- HRDDP is a mandatory policy governing all UN support to non-UN security forces.
- It protects the UN and UN staff from reputational and legal risks, while providing the UN with leverage to change behaviour, promote security sector reform and maintain donor support.
- The HRDDP is not a blunt conditionality tool but encourages engagement and solutions through the adoption of mitigation measures.
- Missions have mechanisms and processes that must be followed to ensure a coherent and effective implementation of the policy.

Reference Materials

Below are materials which are required reading for instructor preparations:

- United Nations Human Rights Due Diligence Policy, UN Doc A/67/775-S/2013/110, 5 March 2013
- HRDDP Guidance Note, <http://hrbportal.org/wp-content/files/Inter-Agency-HRDDP-Guidance-Note-2015.pdf>

Annex

Handout - Press Release: DR Congo: Civilian Cost of Military Operation is Unacceptable

For Immediate Release

DR Congo: Civilian Cost of Military Operation is Unacceptable ***Enhanced Protection Urgently Needed Due to Disastrous Toll on Civilian Populations***

(Goma, October 13, 2009) – The Congolese government’s military operation in eastern Congo, Kimia II, backed by United Nations peacekeepers and aimed at neutralizing the threat from a Rwandan Hutu militia group, the Democratic Forces for the Liberation of Rwanda (FDLR), has resulted in an unacceptable cost for the civilian population, said 84 humanitarian and human rights groups in the Congo Advocacy Coalition today.

The coalition urged diplomats and UN officials, who are due to meet in Washington, DC, this week to discuss the situation in eastern Congo and the wider region, to take immediate steps to increase protection for civilians.

“The human rights and humanitarian consequences of the current military operation are simply disastrous,” said Marcel Stoessel of Oxfam. “UN peacekeepers, who have a mandate to protect civilians, urgently need to work with government forces to make sure civilians get the protection they need, or discontinue their support.”

Since the start of military operations against the FDLR militia in January 2009, more than 1,000 civilians have been killed, 7,000 women and girls have been raped, and more than 6,000 homes have been burned down in the eastern provinces of North and South Kivu. Nearly 900,000 people have been forced to flee their homes and live in desperate conditions with host families, in forest areas, or in squalid displacement camps with limited access to food and medicine.

Satellite imagery collected by the American Association for the Advancement of Science (AAAS) provides visual confirmation of the widespread destruction of homes and villages. In Busurungi, one of the main towns in the Walualoanda area (North Kivu) and the surrounding 100 square kilometers, AAAS estimates that 1,494 homes and structures have been destroyed, some as recently as September, amounting to an estimated 80 percent destruction rate. (For a selection of the images, see <http://www.hrw.org/en/node/86034>.)

Many of the killings have been carried out by the FDLR militia who are deliberately targeting civilians to punish them for their government’s decision to launch military operations against the group. Congolese government soldiers have also targeted civilians through killings and widespread rape, looting, forced labor, and arbitrary arrests.

In a bleak calculation by the coalition, for every rebel combatant disarmed during the operation, one civilian has been killed, seven women and girls have been raped, six houses burned and destroyed, and 900 people have been forced to flee their homes. (See table attached.)

Sexual violence has grown even more brutal in areas affected by the Kimia II operation. “We’re seeing more cases of mutilation, extreme violence, and torture in sexual violence cases against women and girls, and many more of the victims are children,” said Immaculée Birhaheka of Promotion et Appui aux Initiatives Féminines (PAIF).

Some previously displaced people in the Kivus have returned home to areas that have become relatively secure. But the ongoing military operations have caused new displacement of civilians in Masisi, Rutshuru, Lubero, Walikale, Kabare, Kalehe, Walungu, Shabunda, and Uvira territories of North and South Kivu, as well as in southern Maniema and northern Katanga provinces. Many civilians who have recently left

displacement camps around Goma and elsewhere have moved on to secondary displacement sites since they fear returning home.

The UN peacekeeping mission in Congo, MONUC, has backed the Congolese army in the Kimia II operation since March, following a joint Rwandan and Congolese military operation against the FDLR militias, some of whose leaders participated in the genocide in Rwanda in 1994.

According to UN statistics, 1,071 FDLR combatants have given up their arms and been repatriated to Rwanda since January. The group's estimated strength before military operations began was 6,000 to 7,000 combatants. Many reports indicate that the FDLR has recruited new combatants to replace some of those who have been repatriated.

UN peacekeepers provide significant backing for the Kimia II operation, including tactical expertise, transport and aviation support, as well as food rations, fuel, and medical support to Congolese army soldiers, at an estimated cost of well over US\$6 million. Despite such support, UN peacekeepers have not used their leverage to get the government to remove commanders with known track records of human rights abuses from participating in the operations.

“With an investment this big, the UN has clout and should not remain silent when abuses occur,” said Anneke Van Woudenberg, senior researcher at Human Rights Watch. “The UN needs to make it clear that if the Congolese government wants its continued military support, the army should remove abusive soldiers from command positions and its soldiers should stop attacking civilians.”

Reprisal attacks against unarmed populations by the FDLR militia have made the task of protecting civilians increasingly complicated for the Congolese government and UN peacekeepers. Yet the 3,000 additional UN peacekeepers authorized by the UN Security Council in November 2008 are only just arriving in eastern Congo, and the helicopters and intelligence support requested by UN officials have still not materialized.

The coalition said that disarming the FDLR militia should remain a top priority for the Congolese government and UN peacekeepers, but that they need to act urgently to improve protection of civilians. The coalition urged diplomats and UN officials meeting in Washington, DC, at the Great Lakes Contact Group, to:

1. Press for a comprehensive, multi-pronged approach toward disarming the FDLR militia that emphasizes protecting civilians. This would include taking into custody and opening judicial proceedings against those wanted for genocide and other more recent serious crimes, including the FDLR leadership based in Europe and elsewhere, and reforming the disarmament and demobilization program, among other measures.
2. Push for accountability to ensure that those responsible for serious human rights abuses, including sexual violence, are prosecuted regardless of rank. Press the UN to make its support conditional on effective action by military authorities to curb abuses against civilians.
3. Press the Congolese government to develop and put into effect an action plan to prevent and end the recruitment of children into the Congolese army and other armed groups and insist that commanders cooperate with child-protection specialists screening troops for children among their ranks.
4. Support comprehensive military reforms by the Congolese government, with strict controls on how donor funds are used.
5. Ensure that UN peacekeepers have the resources urgently needed to carry out their mandate to protect civilians.

Results of Military Operations against the FDLR Since January 2009

Achievements	Costs
1,071 FDLR combatants repatriated ¹	1,143 civilians killed, including at least 10 local chiefs ²
An estimated 250-300 FDLR combatants killed ³	7,000 women and girls raped, the majority by the FDLR and FARDC soldiers deployed on military operations. ⁴
1,632 FDLR dependents have returned to Rwanda ⁵	Nearly 900,000 civilians forced to flee their homes since January 2009 in North and South Kivu ⁶
10,949 Rwandan refugees have returned to Rwanda ⁷	6,037 homes burned (by both the FDLR and FARDC) ⁸
FDLR partially cut off from revenue sources	123 attacks on villages by the FDLR resulting in civilian deaths ⁹
Tens of thousands of displaced people in North and South Kivu have returned home ¹⁰	Hundreds of civilians taken into temporary forced labor ¹¹
FDLR military structure is reportedly weakened, though ability to attack civilians remains intact	New recruitment by the FDLR, including of children. ¹²
An improvement in relations between Rwanda and DRC. Integration of CNDP and other armed groups into the Congolese army, though the integration remains fragile	Several armed groups still not integrated, are maintaining parallel command structures, or are threatening to abandon the integration process

¹ Statistics from the UN DDRRR program from January through September 2009.

² Statistics from research conducted by Human Rights Watch with additional information from internal MONUC reporting and reliable local sources. Human Rights Watch has reports of an additional 476 deaths still unconfirmed.

³ Estimates provided to Human Rights Watch by military and other experts on the FDLR.

⁴ 4,658 new cases were recorded by UNFPA in North and South Kivu between January and June 2009. Statistics are not finalized for July through mid-October, but preliminary reports indicate cases are being reported at a comparable rate. In South Kivu, 2,584 new cases were recorded in the first half of 2009, compared to 2,883 cases recorded for all of 2008.

⁵ Statistics from UN DDRRR from January through September 2009.

⁶ Statistics from OCHA from January through August 2009.

⁷ Statistic from UNHCR from January 1 through September 25, 2009.

⁸ Documented by Human Rights Watch.

⁹ Documented by Human Rights Watch.

¹⁰ The returnees are mostly individuals displaced from previous waves of violence before January 2009. Exact return statistics are unknown. Many displaced people who recently left displacement camps around Goma and elsewhere have moved on to secondary displacement sites as they still fear returning home.

¹¹ Documented by Human Rights Watch.

¹² Reports of recruitment collected by Human Rights Watch.