Human Rights Due Diligence Policy on UN Support to Non-UN Security Forces

Guidance Note

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Contents

Abbreviations and acronyms

CASEVAC	Casualty Evacuation
GPRAF	General and preliminary risk assessment framework
HC	United Nations High Commissioner for Human Rights
HR	Human rights
HRDDP	Human Rights Due Diligence Policy
M&E	Monitoring and evaluation
MARA	Monitoring, Analysis and Reporting Arrangements
MEDEVAC	Medical Evacuation
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
MRM	Monitoring and Reporting Mechanism
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
ONUCI	Opération des Nations unies en Côte d'Ivoire
RC	United Nations Resident Coordinator
SRSG	Special Representative of the Secretary-General
UN	United Nations
UNCT	United Nations Country Team
UNMISS	United Nations Mission in the Republic of South Sudan
UNSC	United Nations Security Council

I. Introduction and definitions

This *Guidance Note* was developed as a follow up to Secretary-General (SG) decision 2012/14 and in response to a need identified during the review of implementation of the Human Rights Due Diligence Policy (HRDDP) conducted in 2012. The October 2012 *Update to the Policy Committee by the HRDDP Review Group* states that "there is also a need for additional system-wide guidance to support implementation, which should be flexible and complementary to guidance specific to each United Nations (UN) entity. The Review Group should support this aim by developing a framework for implementation of the policy at country level under the leadership and coordination of the most senior UN official in country (Special Representative of the Secretary-General (SRSG) or Resident Coordinator/Humanitarian Coordinator (RC/HC)) as well as a guidance note, including models of risk assessments, monitoring frameworks, and procedures for intervention. [...The] guidance will be flexible and take into account the different contexts in which the policy may be implemented as well as the specific mandate of the UN entity concerned" and will be complementary to any specific internal guidance that may be established by UN entities that provide support to non-UN security forces. During the second review of the policy in October 2013, the Review Group decided that the HRDDP Guidance Note should be finalized and disseminated as a matter of priority.

The *Guidance Note* was developed building on experience to date on the application of the HRDDP in different countries and contexts. It aims at providing a general framework for implementation at country level as well as examples and templates.

1. Definitions

For the purpose of this note, the following terms should be understood as explained below:

- "***HRDDP***" or "***policy***": Human Rights Due Diligence Policy on UN support to non-UN security forces;
- "***Support***" is understood to mean any of the following activities:

    a) training, mentoring, advisory services, capacity- and institution-building and other forms of technical cooperation for the purpose of enhancing the operational capabilities of non-UN security forces;
    b) ad hoc or programmatic support to civilian or military authorities directly responsible for the management, administration or command and control of non-UN security forces;

c) financial support, including payment of salaries, bursaries, allowances and expenses, whatever the source of the funds;
d) strategic or tactical logistical support to operations in the field conducted by non-UN security forces;
e) operational support to action in the field conducted by non-UN security forces, including fire support, strategic or tactical planning; and/or
f) joint operations conducted by UN forces and non-UN security forces.

- "***Recipient***" or "***Beneficiaries***" is understood as non-UN security forces (national or regional) receiving UN support.
- "***UN entity***" means UN peacekeeping operation, special political mission, any United Nations office, agency, fund and programme.
- "***Grave violations***" refers to the actions defined under paragraph 12 of the policy.

2. Applicability of the policy

Regardless of a precise analysis of the scope of application of the policy to UN activities in the country, all UN field presences involved in some form of engagement with national or regional security forces are encouraged to undertake the initial phases of HRDDP implementation (see below, Communication and Risk Assessment). In so doing, the preventive aspect of the HRDDP will be maximized, and the need to apply the policy in its entirety in specific cases or situations may be reduced.

Communication and Risk Assessment should start as soon as one or more UN entities in a country contemplate providing support to non-UN security forces.

The scope of application of the policy raises mainly two questions:

(1) Whether support is provided to *security forces as defined by the policy*

The policy provides for a clear definition of national (or state) security forces and regional peacekeeping forces, to which it applies. UN peacekeeping forces, private security companies or non-State armed groups are excluded from the policy.

A "common sense" approach is advisable when UN entities analyse the scope of application of the policy with regard to support recipients, including in order to avoid sending the wrong signals to the recipients of support. For example, although not explicitly mentioned in the the policy, the it UN support provided to prison or correction officers falls within the HRDDP scope of

application, in view of the nature of their functions and keeping in mind the objectives of the HRDDP.

(2) Whether the *type of support* provided – or planned to be provided – falls under any of the categories specified in the policy.

The text of the policy refers to a large variety of support and only provides for a **limited number of exceptions**.

The text as well as the objectives of the policy make it clear that the latter applies to most forms of UN support and **exceptions should therefore be interpreted restrictively**. Moreover, similarly to the argument made in relation to the first question, it is important for UN entities not to send the wrong signals by, for example, implying that grave violations committed by recipients of some forms of UN support not strictly covered by the policy might be "acceptable". Finally, it is important to note that the exceptions only relate to the scope of application of the policy. Violations committed by security forces in the specific contexts referred to by the exceptions continue to be addressed by the UN system through other mechanisms and processes.

3. The four phases of HRDDP implementation

Implementation of the policy at country level involves four consecutive[1] 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.

While these four phases are consecutive, one does not necessarily end when the next phase starts. For example, the communication phase may or, depending on circumstances, should continue throughout the support. 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. If grave violations are reported under phase III (monitoring framework) and trigger an intervention under phase IV, monitoring (phase III) will need to resume to ascertain if and when support could be provided again.

[1] If the risk assessment concludes to a high probability of recipient security forces' committing the types of violations envisaged under the HRDDP, the next step would be intervention (phase IV).

4. Coordination at country level and role of the most senior UN official in country

As does the policy, many UN entities in the field as well as at headquarters have emphasized the important role of the most senior UN official in country (SRSG, RC, HC) in policy implementation, including in order to ensure that the policy is applied in a consistent and coherent manner by all relevant UN entities in the country. This role primarily includes:

- leading the first phase of implementation of the policy, namely communication to relevant state authorities and other external partners, and respond to possible questions about the policy's scope of application;
- initiating and coordinating United Nations Country Team (UNCT) efforts to promote consistency in the implementation of the policy across the UN-system, including by developing a common general and preliminary risk assessment for all national security forces, as appropriate (see box on GPRAF in Chapter III);
- providing support to UN entities in the intervention phase, when grave violations have been committed and have not been appropriately addressed, or when support should be suspended or withdrawn, including by taking, as appropriate, a leading role in communicating with relevant authorities.

Some peacekeeping missions have established HRDDP Task Forces, which analyse requests for support and make recommendations to the mission leadership in accordance with HRDDP requirements. When they include representatives of various UN entities, these HRDDP Task Forces can also play an important role in coordinating the HRDDP process for the entire UN-system at country level.

The issue of coordination among UN entities in-country regarding HRDDP implementation is addressed throughout this guidance note.

5. HRDDP resource implications

The policy does not indicate whether UN entities should devote specific or additional resources and staff for the implementation of the HRDDP. It is for UN entities to assess whether HRDDP activities can be carried out within existing resources or not. In many cases, these tasks will be carried out within existing resources and capacity, including because dedicated capacity is in place (e.g. HR components of peacekeeping or special political missions) and because certain HRDDP tasks are already carried out for other purposes (e.g. monitoring of security forces). In some cases however, especially whenever there is no UN human rights capacity present in the country or related mechanisms (for example MRM, MARA)) who could carry out these tasks, the UN entity may have to consider devoting additional resources or reorganize existing ones.

HRDDP Checklist

ACTIONS to be taken IAT THE OUTSET and on a CONTINUED basis	**COMMUNICATION (GN8)**	
	→ Initial/formal communication on HRDDP by SRSG/RC/HC	
	→ Continued communication by UN entities with: -national authorities. other Member States, civil society/NGOs	
	MAPPING/ANALYSIS/SOP/ESTABLISHMENT OF HRDDP MONITORING MECHANISM	
	At UNCT level	
	→ Conduct a mapping of existing/planned UN support to non-UN security forces in country (optional but recommended)	
	→ Conduct a General and Preliminary Risk Assessment of all national security forces (optional but recommended)	
	→ Identify "HRDDP monitoring" capacity for UN-system in country*	
	At UN entity level	
	→ Establish a "procedure for intervention", implementation framework or SOP	
	→ Establish HRDDP monitoring mechanism	
ACTIONS to be taken when SUPPORT is REQUESTED/PLANNED/ONGOING	**SUPPORT IS REQUESTED/PLANNED/ONGOING**	
	→ Ensure adequate information is available on the support requested/planned	
	→ Analyse scope of application of the HRDDP regarding support planned/requested/ongoing	
	RISK ASSESSMENT & IDENTIFICATION OF MITIGATORY MEASURES (GN9)	
	→ Conduct Risk Assessment	
	→ Identify Mitigatory Measures, if relevant	
	→ Communicate decision on support, including on any measures to be established, to recipient/national authorities	
	→ Integrate HRDDP elements of support (mitigatory measures) in a written/formal document (MoU, letter, handover certificate, project document)	
	HRDDP MONITORING (GN21)	
	→ Monitor recipient's behaviour on grave violations and responses	
	→ Communicate regularly with recipient on human rights related issues, including cases of violations	
	→ Adapt risk assessment and mitigatory measures if necessary	
ACTIONS for grave	**IF GRAVE VIOLATIONS ARE COMMITTED**	
	→ Intervene with recipient to bring violations to an end	

	→ (when relevant) Notify recipient of suspension/interruption of support	

II. Communication of the Policy

1. Formal communication

In all countries where the UN system is currently engaged – or likely to be engaged – in any form of support to non-UN security forces[2], the most senior UN Official should communicate the HRDDP to the Government. This communication should be **formal and in writing** (a draft sample letter is available in Annex I).

In addition to the need for transparency which is emphasized by the policy[3], such communication may play a preventive role by informing the authorities in advance that in the context of UN support to non-UN security forces, the UN system has to comply with certain rules, and that it may have to include certain measures or require certain guarantees in the support it will provide, that it may not be able to provide support to security forces in certain situations where there exist a risk of grave violations or that it may have to interrupt its support in certain situations envisaged under the policy. In any country where this initial communication has not been done yet, such communication should take place as soon as possible.

2. Additional consultations with national counterparts

In countries where UN support to non-UN security forces is taking place or where such support is envisaged, the UN system is encouraged to follow up on this formal communication with additional engagement in the form of discussions, briefings or presentations of the policy to relevant national authorities, in particular security forces concerned by the support. These will allow to explain that implementation of the HRDDP can be more effective if security forces are involved, including for example with regard to the identification of *mitigatory measures* (see below), as well as to strengthen the policy's preventive impact by directly explaining to security forces the possible consequences of certain behaviours.

3. Communication with other actors

[2] This communication should be carried out irrespectively of whether any UN support falls within the scope of application of the policy because it is mainly aimed at informing the concerned authorities about UN policy and not, at least in a first stage, at actually applying the policy to a particular form of support.
[3] HRDDP, para. 2 (b), 18, 19 and 22.

"Effective implementation of the HRDDP requires the understanding and cooperation of all stakeholders, including donor and programme countries, troop- and police-contributing countries of UN peacekeeping and political missions. Each entity mandated to or anticipating support for non-UN security forces shall engage proactively with Member States and other relevant partners and stakeholders to explain the policy" (HRDDP, para. 18).

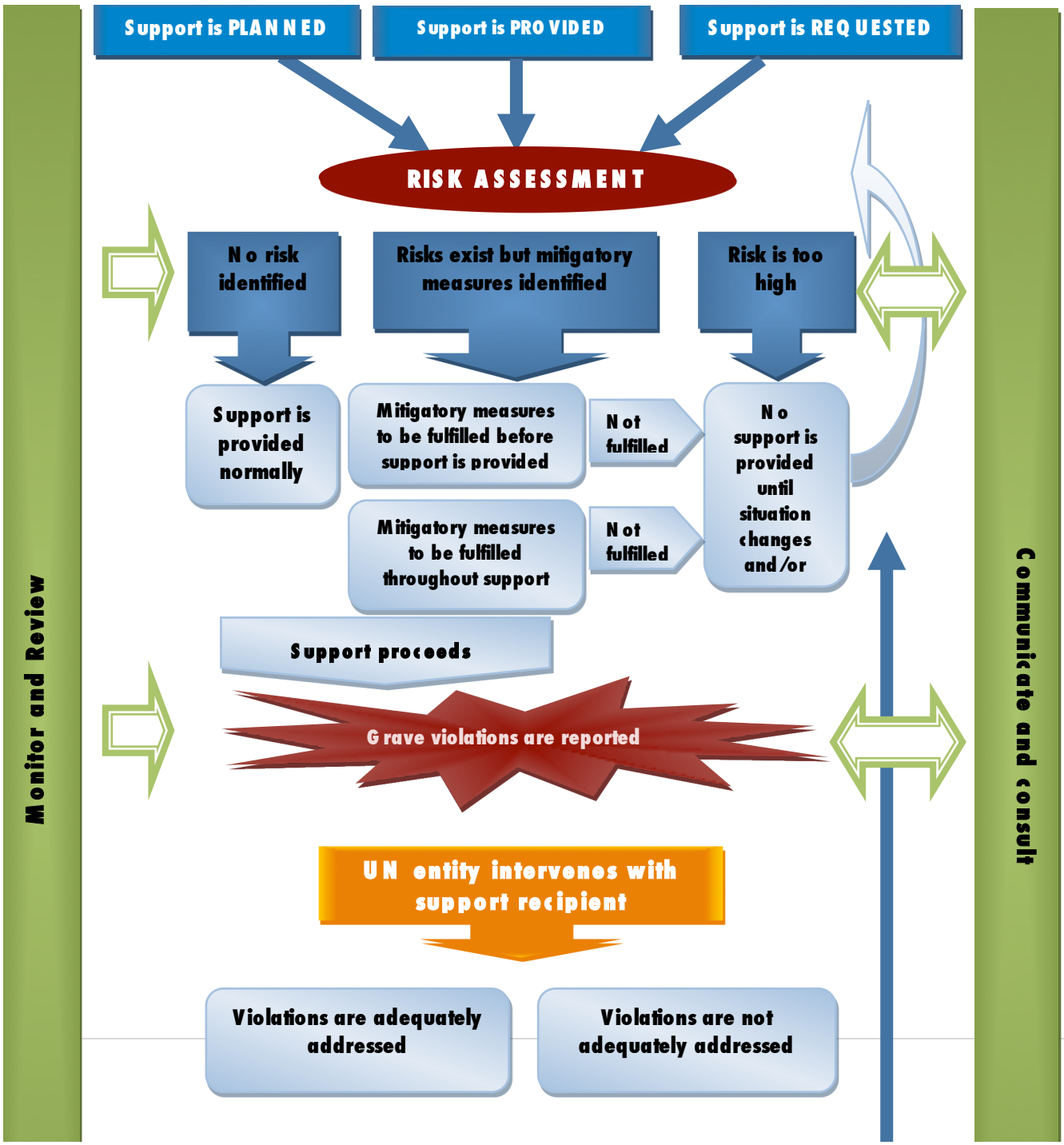
Communication of the policy to external actors will facilitate effective implementation of the policy at country level and promote a coherent approach by international actors towards assistance to security forces, including in the context of security sector reform (SSR). It will also strengthen the ability of the UN system in-country to influence the behaviour of security forces through the HRDDP and, thereby, contribute to the overall mandate of the mission or UNCT.

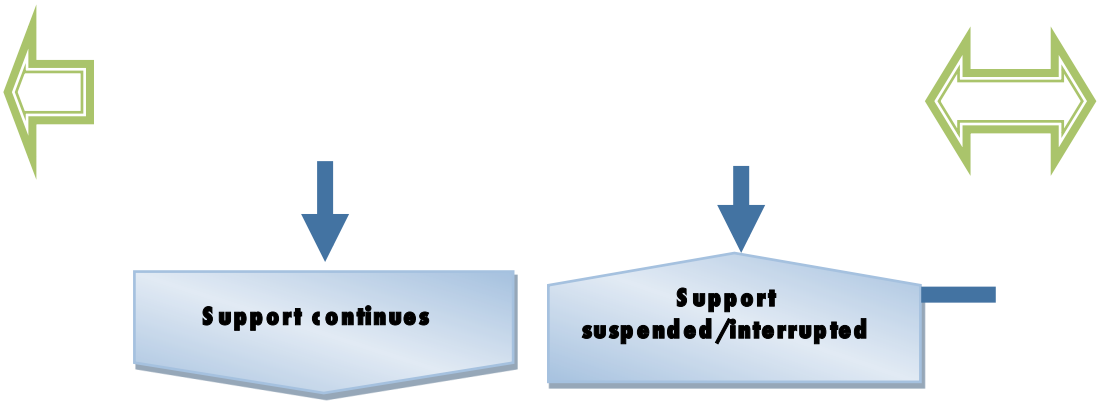
While the UN-system should be as transparent as possible with national authorities and other actors about HRDDP principles, UN entities do not have to necessarily share the details of their HRDDP analysis in relation to specific requests for support. For example, UN entities may not want to share HRDDP risk assessments and will rather limit themselves to communicate to national authorities the concerns they have identified as a result of the risk assessment exercise and the mitigatory measures they suggest accordingly. They will also decide on a case-by-case basis whether they want to associate the recipients to the identification of mitigatory measures, according to the context and the type of support.

4. Communication with regional peacekeeping operations

In the case of support to regional peacekeeping forces, such as those established by the African Union, communication about the policy was made from Headquarters via a letter from the Secretary General to the African Union and a Note Verbale to Member States contributing troops to the regional forces, informing them about the policy and its application, and requesting information relevant to carrying out a risk assessment, including on commanding officers. Such communication may influence Troop Contributing Countries' selection of the units that will be deployed to the regional forces.

HRDDP Process





III. Risk assessment and mitigatory measures

The policy provides that UN entities contemplating or involved in providing support to non-UN security forces should conduct "an **assessment of the risks** involved in providing or not providing such support, in particular the risk of the recipient entity committing grave violations of international humanitarian law, human rights law or refugee law" (HRDDP, para. 2 (a)). The policy also provides for the identification of **mitigatory measures** "[w]here, as a result of this risk assessment, the UN entity directly concerned concludes that there are substantial grounds for believing that there is a real risk of the intended recipient committing grave violations of international humanitarian, human rights or refugee law" (HRDDP, para. 16). The policy therefore provides for an exercise to be carried out by relevant UN entities that includes two mutually dependent parts:

1. the assessment of the risks and, as appropriate,[4] and
2. the identification of measures to mitigate those risks.

The following section analyses the two parts of this phase.

II.1. THE RISK ASSESSMENT

A risk assessment can take different forms and may be carried out in different manners. The purpose of this section is to provide guidance on how to conduct this exercise in the most efficient manner.

A. Definition of the HRDDP risk assessment

[4] The risk assessment could indeed conclude that the risk of grave violations is too high and cannot be mitigated by measures.

The HRDDP risk assessment is the exercise by which a UN entity will evaluate whether "there are substantial grounds for believing that there is a real risk of the intended recipient [of support] committing grave violations of international humanitarian, human rights, or refugee law". Such "grave violations" do not need to be committed as a result of the support provided. In other words, it is not necessary to assess whether UN support may facilitate the commitment of "grave violations". The important factor is that such "grave violations" may be committed by the recipients of UN support committed in the context or the period of support[5].

By definition, a risk is related to an event that has not yet taken place and may never take place. The risk assessment is an evaluation of the likelihood of future events. UN entities are therefore not expected to ascertain that a specific event will occur; they only need to assess a level of risks according to a number of criteria (see below).

B. Timing of the risk assessment

According to the policy, a risk assessment should be conducted **before** any support is provided. In practice however, this may not always be possible. The following scenarios may occur:

-Support is already provided by a UN entity

In a number of situations, support was already being provided by the UN entity before the adoption of the policy. This is, for example, the case of pre-existing technical or financial assistance projects or programmes aimed at national armies or police. In these situations, if the risk assessment has not been carried out, it should be done at the earliest opportunity.

-Support is planned or under consideration by the UN entity

This would be, for example, the case of a plan to support national security forces through an SSR programme/project. In these situations, a UN entity may have discussed support with the potential recipient or received a request for support from the latter. In either case, support has not started and the risk assessment should be carried out before a decision is taken regarding the provision of support or – at the latest - before the beginning of the actual support. It may also be the case of an expected Security Council mandate requesting the UN to provide support to national forces or a regional peacekeeping operation.

-Support is requested – or offered - on a regular basis

In some situations, the UN entity is regularly faced with requests for support from non-UN security forces, including in the case of so-called 'routine' support. This is, for example, the case of

[5] However, the fact that a form of support may potentially facilitate or contribute to the commission of grave human rights violations is an element that should be considered under the HRDDP risk assessment (see below).

peacekeeping operations such as UNMISS, ONUCI or MONUSCO, which receive frequent and regular requests for different types of support from the national army or police. In these cases, it is recommended that UN entities conduct a risk assessment independently of the specific requests for support, and sufficiently wide in scope so as to be relevant to a variety of requests for support that may be received (based on the General and Preliminary Risk Assessment Framework described in the box below). In these cases, the risk assessment should be on-going and regularly updated on the basis of new developments or incidents regarding the human rights conduct of the relevant security forces. The main advantage of an on-going risk assessment is that, in contexts where decisions on providing support to non-UN security forces must be taken quickly, it allows the UN entity to minimize its response time because it can base its decision on an existing risk assessment.

-Support is provided by different UN entities at different times

In some countries, different types of support are provided to the same non-UN security forces at different times by various UN entities. Also in these situations, it is recommended that the UN system in-country develops a General and Preliminary Risk Assessment Framework (see box below).

As a general rule, HRDDP risk assessments have to be carried out as early as possible whenever support is planned or requested and even more so when support is being provided. The risk assessment is an on-going exercise. It will need to be updated regularly, and especially when a significant event is likely to affect its conclusions (instance of serious violations committed, change in legislation, reform of the army, etc).

GENERAL AND PRELIMINARY RISK ASSESSMENT FRAMEWORK (GPRAF)

When support is planned or already provided to non-UN security forces by two or more UN entities, or when frequent requests for support are anticipated, peacekeeping operations, special political missions and UNCTs are encouraged to develop as early as possible, a *General and Preliminary Risk Assessment Framework* (GPRAF).

The main objectives of this process are to (i) avoid duplication of efforts (different UN entities are involved in a variety of support to the same national security forces or one UN entity is involved in different types of support to the same security forces), (ii) ensure a coherent and consistent assessment of security forces among UN entities and (iii) ensure a common approach by the UN system in-country with regard to security forces.

The GPRAF is a basic inter-agency risk assessment, to be carried out under the coordination of the most senior UN official in country (SRSG, RC, HC), describing the common position of the UN system with regard to the level of risk that *generally* exists for security forces in-country to commit grave human rights violations. The GPRAF compiles relevant and available information regarding human rights violations committed by security forces and other relevant information on security forces. Ideally, it should be approved by the UNCT (see template in annex III). Such document will also facilitate and speed up the process of individual risk assessments in relation to specific requests for/forms of support that each UN entity needs to undertake under the HRDDP.

While any UN entity that contemplates to engage in a specific form of support to national or regional security forces will conduct a specific risk assessment related to that support, the GPRAF may provide the basis for this specific risk assessment and avoid repetition, duplication and incoherence. While the GPRAF does not eliminate the need for the supporting UN entities to carry out a specific risk assessment on the basis of their mandate and the specific nature of the support, the GPRAF will facilitate (and shorten) the conduct of the latter.

Developing a GPRAF will thus benefit all UN entities engaging in support to non-UN security forces and present the following advantages:

- It allows the UN-system in country to be proactive rather than reactive (to a request for support) thereby strengthening efficient HRDDP implementation;
- An economy of time and resources for most UN entities engaged or planning to engage in support to non-UN security forces;
- A general agreement within the UN system in-country about the existence (or not) of a general risk regarding relevant security forces;
- A joint effort in collecting information available with different UN entities present in the country;
- Avoiding duplication, contradictions and incoherence among the UN system in a given country.

Content

The GPRAF should include the following parts:[6]

- **A compilation of information publicly available on the human rights conduct of non-UN security forces** (see below);

[6] It is useful that the GPRAF includes a mapping/overview of the various support – regularly – provided by the different UN entity in country with the identification of recipients.

- **A compilation of other relevant information about the conduct of security forces available internally within the UN system present in the country;**
- **A mapping of existing non-UN security forces present in the country and information about their structure (including organigramme), the identity of the most senior officers and the main chains of command;**
- **A mapping/overview of the various forms of support provided – or planned to be provided - by the different UN entity in country with the identification of recipients.**
- **A general assessment regarding the existence of a risk** (to the effect that a UN entity planning to engage in support to a security force that is referred to in the GPRAF as presenting a risk, would need to proceed with a detailed risk assessment)

The GPRAF should be a living document that can be updated regularly on the basis of specific developments or incidents.

C. How to conduct a risk assessment

1. Elements to be considered for the risk assessment

- **Human rights record** (HRDDP, para. 14 (a)): The record of the intended recipient(s)[7] in terms of compliance or non-compliance with international humanitarian, human rights and refugee law, including any specific record of grave violations. However, this analysis should not be limited to grave violations as defined under the policy, including because other types of less serious violations may lead to grave violations. The supporting UN entity will decide the extent of the period taken into consideration to assess the human rights record of intended recipients depending on the specific circumstances in the country, the type of support envisaged and other elements that UN entities consider relevant. In assessing the human rights record of intended recipients, UN entities are not expected to verify or make a final determination on specific cases of human rights violations that have been committed in the past; they only need to review reliable information related to allegations of human rights violations that would contribute to determine a certain level of risk of recurrence in the future. The HRDDP does not set a threshold of evidence for the past cases of violations to be considered. The threshold "reasonable grounds to believe" referred to in the HRDDP only relates to the risk itself.

7

It should be noted that information is not always available regarding specific individuals. In a number of situations, there may only be reliable information about human rights violations committed by a unit, a service or even an entire institution (i.e. the police), without having information about names of perpetrators. These cases should be considered as seriously as others for the purpose of risk assessments. For support to regional peacekeeping forces, the UN entity will look into the record of security forces of each Troop Contributing Country. Nevertheless, if available, UN entities will try to obtain information about individuals in a position of command or responsibility as these may help to assess more accurately the level of risk in engaging in support.

- **Accountability record** (HRDDP, para. 14 (b)): 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[8]. The effective nature of the "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** (HRDDP, para. 14 (c)): 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 and, if so, their adequacy, including institutions to hold any future perpetrators accountable;

- **Legislative / policy framework**: Whether certain legislations or policies, for example a so-called "shoot to kill" policy, may contribute to increasing the risk of grave violations;

- **Feasibility of monitoring framework** (HRDDP, para. 14 (e)): The feasibility of the UN putting in place effective mechanisms to monitor 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.

- **UN's ability to influence and risk of not providing support (**HRDDP, para. 14 (d) & (f)): 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 in terms of its compliance with international humanitarian, human rights and refugee law. In some situations where, for example, the support is essential to the functioning of the recipient entity, providing the support will increase the ability of the UN to influence the recipient,

[8] For example, the accountability record of certain security forces may be generally satisfactory except for a major incident where serious violations have remained unaddressed.

including regarding compliance with international standards. In other situations where, for instance, UN support only represents a minor portion of the support received, its ability to influence the recipient entity may be reduced. This also includes an assessment based on the factors above and on the overall context of the support, of the risk that the receiving entity might commit grave violations of international humanitarian, human rights, or refugee law even if it does not receive UN support. In some situations, withdrawal of UN support may even result in an increased vulnerability of civilian populations that the recipient security forces should protect. For example, where security forces start looting the population because they do not receive necessary food and water supplies. In other situations, the provision of support may enable the recipient to carry out military operations that carry an important risk for civilian populations.

- **Risks inherent to the operation:** The assessment should not only take into consideration the past behaviour of security forces that may receive support but also the risks that are inherent to the operation (if relevant) for which support is provided. For example, certain types of military or security operations such as counter-terrorism operations, or those planned to be conducted in heavily populated areas, may carry additional risks due to their very nature and 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 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.

2. Sources of information for the risk assessment

According to the policy, information for the risk assessment should be obtained from UN or other reliable sources (para. 15). In some countries, relevant information may not be available from UN presences on the ground. The UN entity will therefore need to resort to UN information available at Headquarters but also information coming from outside the UN system.

UN sources include:

- Internal information (a significant source of information will come from within the UN presence in the relevant country)
- Reports produced by the Country Office of the Office of the High Commissioner for Human Rights or by the Human Rights Component of peacekeeping missions or special political missions as well as various types of reports of the Office of the High

Commissioner for Human Rights to the Human Rights Council (HRC). These reports may be public or not.
- Reports of UN Treaty Bodies and Special Procedures
- Reports of the Secretary General to the Security Council on peacekeeping operations
- Reports of other UN mechanisms, offices or agencies (Monitoring and Reporting Mechanism (MRM) on children and armed conflicts, Special Representatives on Children in Armed Conflicts and Sexual Violence in Conflict, UNICEF, UNHCR, OCHA)
- Reports of UN commissions of inquiry
- Decisions of UN treaty bodies on individual cases
- Reports from Joint Mission Analysis Cells in peacekeeping operations
- UNODC Transnational Organized Crime Threat Assessments

Other sources include, but are not limited to:

- Reports or other documents emanating from the International Criminal Court (ICC) or other ad hoc or hybrid international tribunals
- International or regional organizations (Inter-American Commission on Human Rights, Council of Europe, European Court of Human Rights, European Union, African Union)
- Reports from National Human Rights Institutions such as commissions or ombudsman offices
- Reports from international non-governmental organizations (International Crisis Group, International Commission of Jurists, Human Rights Watch, Amnesty International, etc.)
- Reports from local non-governmental organizations
- Information emanating from the intended recipient security forces[9] or governmental sources
- Media reports
- Report from Member States

3. Partnership

According to the policy, it is the UN entity providing the support that is responsible to carry out the risk assessment. In peacekeeping missions or special political missions, coordinating the task will usually be entrusted to the Human Rights Component of the mission while in non-mission settings, OHCHR field presences (OHCHR country offices, Regional Offices or Human Rights Advisers to the country team) will likely be requested to support or contribute to risk assessments of other UN entities, including by providing relevant information about security forces and human rights. UN entities are encouraged to carry out consultations with a broad variety of partners,

[9] A number of national armies maintain websites offering relevant information, including about deployments, chain of command, structures, for example.

including other UN agencies, civil society, National Human Rights Institutions and other national institutions (for example the judiciary).

Whenever they are operating in country, mechanisms such as the Protection Cluster, Monitoring and Reporting Mechanism (MRM) on children and armed conflicts, O/SRSG-CAAC may provide useful information for the purpose of HRDDP risk assessments and should also be consulted regarding the identification of mitigatory measures.

SCREENING AS PART OF THE HRDDP RISK ASSESSMENT AND AS AN EXAMPLE OF MITIGATORY MEASURE

Screening processes (at times also referred to as background checks) are applied by some UN entities as a way to ensure that support is not provided to individuals or units that have – and may again – commit grave human rights violations. This practice has been used particularly in the case of joint operations (that is operations jointly carried out by UN peacekeepers and national security forces) and in the selection of participants in training delivered or funded by UN entities.

Screening or background checks may not always be possible, where relevant information related to individuals is not available, and may be insufficient for the purpose of complying with the HRDDP. The following guidance is provided for situations where screening and checks are possible, and is based on practice to-date.

Wherever relevant and possible, the UN entity planning to provide support should request from the national authorities a list of the units and/or individuals who will receive UN support. The list should be certified by the relevant authority (for example the Ministry of Defence in case of military forces) and include full name, rank, military ID number, and date and place of birth. The list should also include the name of officers with command responsibilities.

When it is not possible to obtain a list of all individuals composing the units/sections that will be supported – for example because the number is too large – the UN entity will seek to obtain the names and other information about all officers with command responsibilities.

Obtaining such a list has two main purposes:
(1) allowing the UN entity to carry out background checks on individuals as appropriate, and
(2) sending a clear signal to the national authorities that that recipients of the support will be monitored and could be traced in case of abuse.

If, as a result of a screening, the UN entity considers that it should exclude certain individuals or units from the support envisaged, a question that often arises is whether the information resulting

in the exclusion can or should be communicated to the individual concerned or the state institutions responsible for these individuals. The practice followed by UN entities in this respect is not uniform, with some sharing with relevant national authorities the reasons for excluding an individual or a unit, others not.

Finally, it should be noted that screening may have an impact on the timely provision of support and should therefore be considered in advance in the planning of activities.

4. Conclusion of the Risk Assessment

There is no mathematic formula to assess a risk of grave human rights violations with certainty and it is difficult to determine a precise percentage of risk as a result of the risk assessment.

After gathering and assessing all relevant information on the different elements of the Risk Assessment described under section C.1., UN entities should be able to determine whether the risk that support recipients may commit grave violations is *low*, *medium* or *high*:

Low-level risk

A low level risk means the UN entity can safely engage in the intended support and that grave violations are unlikely to be committed by the recipient and, if they are, it is expected that they will be promptly and efficiently addressed. In those cases, the support will start together with the HRDDP monitoring phase.

Medium-level risk

A medium level risk is a situation where the risk of grave violations is present but can be reduced if appropriate *mitigatory measures* are taken by either the UN entity or the beneficiary of support. Given the difficult contexts in which the UN is usually engaged with security forces, this is likely to be a frequent scenario of HRDDP implementation.

The final decision regarding support will need to take into consideration both the risks involved and the possible mitigatory measures identified.

High-level risk

A high level risk means that, on the same basis, there is a real likelihood that grave violations will be committed by the intended recipients and will remain unaddressed and that the UN entity will therefore be obliged to withhold or suspend support under the HRDDP. This will cause the UN

entity to question whether it wants to engage with the intended recipient at all or exclude some recipients (individuals, units, etc.) from the intended support or decide to reassess the type of support needed by the security forces concerned.

In the case of UN support to regional peacekeeping forces composed of troops from different countries, the risk of grave violations may vary according to the contingent.. In cases where UN support is provided to the regional peacekeeping force as a whole (as opposed to support extended to each contingent independently), different levels of risk among the contingents may warrant the UN to consider whether support can be provided at all in the presence of contingents that present a risk of grave violations that cannot be mitigated.

5. Format of the Risk Assessment

The risk assessment is a formal exercise that should be done in writing and take the form of a document compiling all relevant information and including a determination of whether – and how – the support will be provided. A risk assessment template can be found in Annex I, based on the text of the policy and on the practice of UN field presences to-date.

Documenting in writing the risk assessment process is important for several reasons: it lends a certain level of formality to the process, including necessary consultations among the various UN entities or components that need to be involved; it proves that a due diligence process has indeed been carried out, should questions be raised if despite implementation of the HRDDP grave human rights violations are committed by recipients of UN support.

6. Communication

Whenever the risk assessment has been completed and, as relevant, mitigatory measures have been identified, and a decision has been reached regarding the support planned or requested, the UN entity will share with the authorities and/or the intended recipient in the most appropriate way its proposed approach regarding the support planned or requested.

In practice, UN entities will usually not share the detailed content of the risk assessment with their national counterparts nor the document itself. It is important, however, that UN entities share with the intended recipients and national authorities the concerns highlighted by the exercise and justifying the adoption of *mitigatory measures, as* relevant. This will usually facilitate acceptance, and implementation, of any *mitigatory measures* by national (or regional) counterparts.

When, based on the outcome of the risk assessment, the UN entity concerned has to withhold or interrupt its support or delay the beginning of such support pending the adoption and

implementation of specific measures by the concerned security forces, the UN entity may request the most senior UN official in country to communicate this message.

IV. Identification of mitigatory measures

A very important element of the HRDDP is the identification and integration of *mitigatory measures* in support provided by UN entities to national or regional security forces. Mitigatory measures can lower the risk for security forces to commit grave violations. A final decision regarding the support should only take place after these mitigatory measures have been considered.

A. Definition of *mitigatory measures*

Mitigatory measures are measures that are established, following and as a result of the risk assessment, **either by the UN entity providing support or by the authorities or security forces receiving support** and are aimed at:

(i) reducing the risk that grave violations may be committed during the time support is provided; and

(ii) ensuring that, should these violations occur, appropriate mechanisms are in place to address them adequately and bring them to an end.

Mitigatory measures can be seen as guarantees that the UN entity wishes to receive before proceeding with the support or throughout the period of support.

B. Importance of *mitigatory measures*

The possibility to identify and agree on *mitigatory measures* is an essential element of the HRDDP. UN entities often provide support to security forces in difficult contexts often characterized by violence, political instability, inadequate national capacities, where risks of grave human rights violations are common. In such contexts, a risk assessment may conclude that there is indeed a risk of grave violations but that the support provided by the UN entity is nevertheless necessary and would help improve the human rights situation in the longer term. In order to address these dilemmas, the HRDDP provides for the introduction of *mitigatory measures*, which enables UN entities to proceed with certain forms of support including in environments where there is a risk of grave violations to be committed by support recipients. If mitigatory measures are not implemented, however, the UN may consider that this increases the level of risk to a point which makes it unacceptable, so that support must be suspended or withdrawn.

C. Timing and format

The identification of *mitigatory measures* should take place as the last part of the risk assessment process.

Mitigatory measures may, depending on circumstances, need to be taken or fulfilled before support is provided or during the time support is provided.
Mitigatory measures can be either taken by the UN entity providing support or requested from the potential recipient of UN support. They may either be integrated by the UN entity as an element of the support provided, or discussed and agreed with the national authorities/security forces receiving support. In most cases, the process of identification and inclusion of these measures will result from both discussions and unilateral requirements. It is however recommended that in all cases the *mitigatory measures* make the object of an **agreement in writing** through, for example, an exchange of letters or are part of the project document signed by both parties.

D. Types of *mitigatory measures*

The type and choice of *mitigatory measures* will depend on the type of support that is planned to be provided, the human rights context and other elements. The following examples of *mitigatory measures* are drawn from practice and are intended to assist UN entities in considering possible options.

1. Capacity building related measures

In some situations, the UN entity may make its support contingent to the recipients undertaking specific training (for example on human rights, IHL or refugee law) before support is provided, or during the support. These measures may also take the form of briefings for support recipients on HRDDP requirements.

Capacity building measures are not limited to training and UN entities should consider other measures aimed at reducing the risk of grave violations and, at the same time, professionalizing the behaviour – and improving the work – of security forces pursuant to the HRDDP. In some countries, a system of mentoring of national security forces through the co-location of UN uniformed personnel and police forces has proven useful for both capacity building and HRDDP implementation, and for monitoring purposes.

EXAMPLE OF CAPACITY BUILDING RELATED MEASURES

→As part of the support package, the supporting UN entity will deliver a refugee law training to all officers of the [relevant units].

→Before the delivery of support, the recipient will organize briefing sessions on HRDDP principles to all members of [relevant divisions].

2. Accountability and corrective measures

Some *mitigatory measures* can consist in addressing past cases of human rights violations (measure to be fulfilled before the support is provided[10]) or in agreeing with the receiving entity on a predefined procedure to deal with human rights incidents should they arise or be reported while support is provided, including corrective measures, (measure that will exist throughout the period of support).

EXAMPLE OF ACCOUNTABILITY AND CORRECTIVE MEASURES

→ The supporting UN entity and the recipient agree that in the case of human rights incidents, the following procedure will be followed [temporary and immediate suspension of officers allegedly involved, designation of investigation body/section, continued communication with supporting UN entity,…].

→ Before the provision of support, [relevant proceedings] should be initiated against the alleged perpetrators of human rights violations in [relevant] case. [Or] The recipient of support should provide the UN supporting entity with [relevant information] regarding the investigation and judicial process in the [relevant] case.

3. Planning related measures

For certain forms of support such as joint military operations, joint planning has proven to be an effective way to reduce the risk of human rights violations. This is particularly true for military operations that may potentially have an adverse effect on the protection of civilians. In such cases, on the basis of the information received from the recipient of support, UN entities have in

[10] Because of the length of criminal procedures, the supporting UN entity will decide the most appropriate step in each case.

the past been able to supplement or modify the military plans so as to reduce risks of human rights violations. The mandate of a number of peacekeeping missions provides for such joint planning.

Besides joint planning, the supporting UN entity may request to be involved in other ways, or that the planning of security related operations may be revised.

EXAMPLE OF JOINT PLANNING RELATED MEASURES

→The UN entity should be associated, through its focal point, to every new military planning (or concept of operations) that involve directly the UN [relevant mission] or are conducted thanks to the support offered by the UN.

4. Reporting related measures

In many cases, especially in cases of support provided by peacekeeping operations, and besides any programmatic regular reporting, the UN entity will expect from the recipient of support some form of reporting about how the support has been used but also on the activities that have been carried out as a result and/or in the context of the support provided. Such reporting is equivalent to the programmatic reporting that is expected from most project beneficiaries. In this context, the UN entity may request the recipient of support to submit a regular/periodic report that would also include reports on incidents, including human rights violations that have allegedly been committed by the relevant security forces and action taken to address them. While such reporting may not meet the criteria of impartiality, it will not only serve as a deterrent but also allow for *ex post facto* cross verification with reports coming from other sources.

EXAMPLE OF REPORTING MEASURES

→During the entire period of delivery of support, the recipient will transmit to the UN entity on a [weekly] basis a report mentioning all incidents[11]that may have involved some of its elements with the civilian populations and an account of numbers and circumstances of civilian(s) that may have been killed or injured in the context of military operations as well as the measures that have been taken by the relevant security forces to address these abuses.

[11] It may be useful to refer to the term "incident" rather than human rights violations to avoid the security forces own qualification of the facts reported.

5. Measures related to changes in rules, policy and regulations or legislation

The UN entity may identify certain policies or rules governing the conduct of security forces as a major source of concern regarding the potential risk of grave violations. If appropriate and practicable, the UN entity may suggest the modification, either temporarily or permanently, of such rules or policy as a mitigatory measure.

EXAMPLE OF MEASURES RELATED TO RULES AND PROCEDURES

→The UN entity has concluded that [relevant parts] of the rules of engagement are likely to increase disproportionately the risk of grave violations of human rights being committed in the context of the support provided. [Relevant] security forces will modify the said rules [or not e apply them during the time support will be provided] and relevant briefings will be conducted in this regard to the concerned units.

6. Exclusion of an individual or a unit

When as a result of a background check or a screening process, the UN entity has identified among support beneficiaries one or more individuals or a unit with a human rights record that may significantly increase the risk that they commit grave violations, and considers that the exclusion of these individuals or units from actions supported by the UN is likely to reduce the risk to an acceptable level, then the UN entity concerned should clarify that the support may not be provided to such individuals or units.[12]

EXAMPLE OF EXCLUSION MEASURES

→The UN entity will not be able to deliver the training on [relevant subject] to the following individuals: [name and grade of individuals]

→The UN entity will be able to provide the support requested to all units of the security forces concerned, with the exclusion of unit [x].

[12] As a rule, the UN entity does not have the mandate to decide, for example, the type of sanction that should be taken by the support recipient or authorities towards these individuals or units.

V. Monitoring framework

The type of monitoring framework that relevant UN entities will adopt pursuant to the HRDDP will depend on their mandate, configuration, expertise, capacity and on the UN entities present on the ground (including presence of an OHCHR office or of a human rights component for peacekeeping operations or special political missions) as well as on the type of support they envisage to provide and the specific context in which they operate.

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. For the purpose of the policy, HRDDP monitoring primarily consists in proactively observing the behaviour of the recipient in terms of its human rights obligations, collecting and compiling information about allegations of human rights violations committed by the recipient and engaging with the latter to discuss reports of such allegations and ways to address them. It also consists in monitoring whether the support is used for its intended purpose.

1. Elements of the monitoring framework

The following is recommended in order to establish an adequate monitoring framework:

- **Identification of monitoring responsibility:** Whether HRDDP monitoring is performed by one or more UN staff members on a full or partial time basis, specific staff/work units should be designated for this task. While UN entities 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:** While the monitoring format can vary, it is important that there be a pre-established and agreed format to compile and process HRDDP monitoring related information (log book or other type of document).

- **Sources of information:** In order to monitor the behaviour of recipients of support, the UN entity can rely on a large variety of information. Most of the sources of information indicated under the section on Risk Assessment above are also relevant for monitoring purposes, in particular:

    1) information gathered by the local UN Human Rights presence (OHCHR country office, Human Rights component of peace mission, etc.);
    2) information gathered by other relevant mission components in case of peacekeeping operations, such as military, police, Joint Analysis Cells, child protection units;
    3) mechanisms such as the Monitoring and Reporting Mechanism (MRM) on child rights violations, the Protection Cluster;

4) information from local or international NGOs;
5) media information;
6) reports from country visits of UN special procedures, or missions by other UN entities and mechanisms.

- **"Due diligence" monitoring**: In most situations, the information initially collected or received under the HRDDP monitoring framework will constitute allegations that have not been consistently verified and may necessitate additional verification or questions to be raised with recipients of support. To fulfil the due diligence requirements UN entities engaged in support to non-UN security forces are not required to actually determine the existence of violations. Instead, HRDDP monitoring requires the UN entity to closely follow the behaviour of support recipients and exercise "due diligence" when cases of violations by those recipients are reported. UN entities are encouraged to agree on regular meetings with recipients of support to discuss allegations and decide on appropriate follow-up, including, as appropriate, reviewing mitigatory measures.

3. Links with other monitoring

An HRDDP monitoring framework can be linked to other existing forms of monitoring, for example:

Human Rights Monitoring

Human rights monitoring is a proactive method involving the collection, verification, analysis and use of information to address human rights problems with the ultimate goal of improving protection. Human Rights monitoring is performed by OHCHR (including through its country offices) or Human Rights Components of peacekeeping missions or special political missions on the basis of OHCHR general mandate or a specific mandate entrusted by the General Assembly, the Security Council or the Human Rights Council. It has obvious linkages with the monitoring required for HRDDP implementation.

Programmatic M&E frameworks

Support to non-UN security forces frequently takes the form of individual projects or programmes implemented by UN entities and financed through various funding mechanisms/sources. Most of these projects or programmes have a Monitoring and Evaluation (M&E) framework, which aims, *inter alia*, at monitoring the advancement of - and measuring - the objectives of the projects. The M&E framework also analyses, often through a pre-established logframe, internal and external factors affecting the success of some or all project outcome. For the purpose of HRDDP

implementation, such models could be adapted to include collection and analysis of information related to grave human rights violations relevant to the support provided under the project.

Other mechanisms and work processes

Other mechanisms or work processes that could be used to develop or contribute to an HRDDP monitoring framework include:

- The UNSC 1612 Monitoring and Reporting Mechanism (MRM) on violations committed against children in the context of armed conflicts
- The UNSC 1960 Monitoring, Analysis and Reporting Arrangements (MARA) on conflict-related sexual violence
- The Protection Cluster
- OCHA incident reports
- UNDSS daily security incident reports

Whether support is provided by a UN entity in charge of one of the above mechanisms or not, the UN entity providing support is encouraged to establish contact with these mechanisms when present in-country and agree on ways to receive relevant information for purposes of HRDDP implementation.

4. Implementation arrangements

In practice, HRDDP monitoring arrangements will vary depending on context and available resources.

Where peacekeeping and special political missions are deployed, HRDDP monitoring is usually carried out/coordinated by their Human Rights Component. HRDDP implementation arrangements, including the establishment of a monitoring framework, have usually been put in place through an SOP involving several parts of the mission, and follow up decisions involve various actors in the mission. The tasks of collecting relevant information and the verification process would usually be carried out by the Human Rights Component.

Other UN entities present in the country and providing support to non-UN security forces are encouraged to develop coordinated arrangements with the Mission in order to benefit from the findings of its human rights monitoring. This will also prevent contradictory conclusions regarding cases of alleged violations by security forces.

Depending on their mandate and capacity, OHCHR field presences may play a supporting and advisory role regarding HRDDP implementation, in particular with regard to HRDDP monitoring. OHCHR field presences are likely to have information about the behaviour of security forces in the country that is relevant both for the risk assessment and for monitoring purposes, as well as being able to assess the reliability of certain allegations against non-UN security forces. UN entities engaged in support to security forces may thus rely on such presences in developing a suitable HRDDP monitoring framework. A coordinated approach is recommended to ensure coherence within the UN system in-country and avoid unnecessary duplication.

OHCHR Regional Offices and Human Rights Advisors usually have a more limited monitoring capacity, though they would be able to provide advice and other support on HRDDP implementation.

In countries where there is neither a mission nor an OHCHR field presence, the UN entity providing support will have to establish its own monitoring framework. Linkages with the mechanisms under section 3, where present, are strongly encouraged.

Where different UN entities are engaged in multiple forms of support to various non-UN security forces involving large programmes and funding, the UN system in these countries may choose to establish a single HRDDP monitoring mechanism that could support the whole system.

VI. Procedures for Intervention

According to the policy, there should be "well-defined procedures to guide decisions by responsible UN officials on whether or not violations committed by the recipient entity require intervention with the recipient entity or its command elements or, in the final resort, require the suspension or withdrawal of support under this policy" (HRDDP, para. 21 (e)).

1. A pre-established procedure for intervention

The essential aspect of this phase of HRDDP implementation resides in the **pre-established character** of the procedure. UN entities should define who is going to intervene, at what stage, with which counterpart, and when.

In practice so far, these procedures have been articulated, in Standard Operating Procedures adopted by UN field presences, in the form of a cascade of interventions. Typically, a staff specifically designated for this function within the UN entity that is providing support is required to communicate the allegations of grave violations and, if relevant, suggested corrective measures, to the relevant counterpart within the recipient of support, and to request information about the measures that have been taken to address these violations. Building on the relationship established with authorities or forces receiving support, UN entities should seek to resolve such situations by agreeing on action(s) to be taken by the recipients of support to stop and remedy violations at this stage.

If no reply is received, and action taken, within a specified amount of time, a more senior staff is required to follow up with a reminder to a counterpart at a higher level.

Such procedure may extend to three levels of responsibility before necessitating an intervention by the Head of the UN entity's country office with the relevant suitably senior government official.

2. Role of the most senior UN official in country

Alternatively, when interventions by the UN entity delivering the support do not result in actions aimed at bringing violations to an end, the UN entity may refer the situation to the most senior UN official in-country who will provide support to UN entities, including by taking, as appropriate, a leading role in communicating with relevant authorities.

Annex I: Risk assessment template (draft)

According to the HRDDP, "UN entities that are contemplating or involved in providing support to non-UN security forces must [...] [conduct] an assessment of the risks involved in providing or not providing such support, in particular the risk of the recipient entity committing grave violations of international humanitarian law, human rights law or refugee law". The following risk assessment template has been developed on the basis of relevant provisions of the policy as well as practice by a number of UN field presences.

The risk assessment should remain valid for the entire duration of the support unless it is considered that circumstances have changed and a review or an update is needed.

I. BACKGROUND AND SUPPORT PLANNED/REQUESTED
This section should provide the background to the request or the support being planned, and describe the elements of the support envisaged:

- *Location, date, time and nature of the support;*
- *Purpose of the support;*
- *Intended direct/indirect use of the support;*
- *Military or security unit(s) involved; and*
- *Name, rank, ID number of officer or official focal point in recipient.*

II. APPLICABILITY OF THE HRDDP

This section should review the applicability of the HRDDP based on the scope of the policy as set out in paragraphs 7to 10 (in particular, the type of support and its recipient).

III. ELEMENTS FOR THE RISK ASSESSMENT

III.1. Human rights record of the intended recipient

This section should provide an overview of "the record of the intended recipient(s) in terms of compliance or non-compliance with international humanitarian, human rights and refugee law, including any specific record of grave violations" as defined under para 12 of the HRDDP. The record should go as far back in the past as is considered relevant for anticipating possible future behaviour.

III.2. Accountability and corrective measures structures/mechanisms

This section should include an assessment of (1) existing accountability mechanisms and structures, (2)"the record of the recipient(s) in taking or failing to take effective steps to hold perpetrators of any such violations accountable", and (3)"whether any corrective measures have been taken or institutions, protocols or procedures put in place with a view to preventing the recurrence of such violations and, if so, their adequacy, including institutions to hold any future perpetrators accountable."

III.3. Legislative/policy framework

This section should only indicate whether certain legislation, rules or policies, if any, (for example a so-called "shoot to kill" policy or specific rules of engagement) may contribute to increasing the risk of grave violations.

III.4. Risks inherent to the operation(s) resulting from the support

Regardless of the human rights record of security forces receiving the support, operations or activities conducted as a result of this support may carry a risk in themselves depending on their nature, timing, location ,... (ex: military operations conducted in urban environments pose more risks for civilians than when they are conducted in non-populated areas).

III.5. Ability to influence and risk of not providing the support

This section should include "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 in terms of its compliance with international humanitarian, human rights and refugee law". This step is an important element to assess the potential positive impact of the support or the potential negative impact of not providing support.

III.6. Reputational and political risk

Notwithstanding the potential human rights risk this section should outline the potential reputational and political risk of providing support.

IV. CONCLUSION (AND MITIGATING MEASURES)

As a result of the analysis made under part III, the UN entity will determine the level of risk (low, medium, high) that the recipient commit grave violations as defined by the policy and summarize the reasons behind this assessment. In some case, the risk will be evaluated as high or very high and the risk assessment will conclude that support should not be provided.

However, in many cases, the UN entity will consider that it can reduce the risk to a satisfactory level through various measures that it can either put in place itself, or request from the receiving entity. In these cases, this section should outline what these mitigatory measures might include, inter alia:

(1) Reporting

This would include requesting from the recipient entity specific reports or a regular reporting about how the support was used, if it was used for its intended purpose and on reported incidents committed by its own troops and the way they were addressed. Such measure could also consist in regular meetings between the support provider and the recipient to monitor support.

(2) Exclusion of individuals or certain units

This would involve the screening of relevant individuals or units of security forces that would benefit from the support and, as appropriate, indicate whether certain units or individuals should be excluded from support.

(3) Corrective and accountability measures

This would involve the UN conveying to the recipient of support that the latter is contingent to certain corrective measures being taken for those units for which the UN believes grave violations have occurred and where alleged perpetrators have not been held accountable. It could also consist in suggesting an agreed procedure to deal with reports of violations committed by the security forces in the context of the support.

(4) Training/Briefing and other forms of technical assistance

The UN could provide training to the recipient units on international humanitarian and human rights law so as to reduce the risk that violations occur as part of the support, or request that training be delivered to the recipients before UN support will be provided. It could also organize briefings on the content, principles, and implications of the policy. It may make its support contingent to other forms of technical assistance such as in the field of corrective measures or military justice.

(5) Planning related measures

This would involve the UN being involved or having the possibility to adapt the

planning of security related operations. For example, for certain forms of support like joint military operations, joint planning may be an effective way to reduce the risk of human rights violations, in particular for military operations that may carry a risk for civilian populations.

(6) Changes in policy and regulations or legislation

In some cases, the UN entity will identify certain policies or rules governing the conduct of security forces (for example rules of engagement) that may contribute to increase the risk of grave violations. If appropriate and practicable, the UN entity may suggest the modification to such rules or policy as a mitigatory measure.

Annex II: Draft letter to communicate the Human Rights Due Diligence Policy to national authorities

[…]

I have the honour to bring to your attention the Human Rights Due Diligence Policy on United Nations support to non-United Nations security forces.

United Nations entities have increasingly been called upon to provide support to non-UN security forces, including national military and police forces and non-UN peacekeeping forces. It is in the interests of the security forces receiving United Nations support that they be most strongly encouraged to respect the standards under international humanitarian, human rights and refugee law to which their Governments have subscribed. The United Nations, under its Charter, has an important role to play in this regard. Experience gained in recent years has also underlined that the United Nations must take deliberate action in such circumstances to safeguard and preserve its legitimacy and credibility as a universal organization dedicated to the promotion and protection of human rights and to the development and respect of international law.

The Secretary-General has accordingly instructed all United Nations entities that are contemplating or that are engaged in providing such support to adhere to a Human Rights Due Diligence Policy on Support to Non-United Nations Security Forces (HRDDP). The HRDDP sets out measures that UN entities are to take in order to exercise due diligence, within the scope of their mandates, to ensure that the support that they provide to non-United Nations security forces is consistent with the Organization's Purposes and Principles in the Charter and its responsibility to respect, promote and encourage respect for international humanitarian, human rights and refugee law.

The policy does not place new requirements on Member States. It is based on existing standards and obligations that States have accepted through their membership in the UN, through their recognition of the Universal Declaration of Human Rights and, in the case of [country], through its ratification of [relevant international instruments ratified].

The HRDDP requires each United Nations entity that is contemplating providing support to non-UN security forces to conduct a risk assessment beforehand in order to identify the risks involved,

including any risks that the recipient forces might commit grave violations of international humanitarian, human rights or refugee law. If, as a result of that assessment, it is determined that there are substantial grounds to believe that there is a real risk of such violations taking place, the United Nations entity will work with the national authorities with a view to putting in place effective measures to eliminate or minimize that risk. Pending the implementation of such measures, the United Nations will be obliged to withhold support from the non-UN security forces concerned.

Where a United Nations entity has engaged in the provision of support to non-UN security forces, and subsequently receives reliable information that provides substantial grounds to believe that the recipient forces are committing grave violations of international humanitarian, human rights or refugee law, the United Nations entity will intercede with the relevant national authorities with a view to bringing those violations to an end. If, despite such intercession, the situation persists, the United Nations will suspend or withdraw support from the elements committing those violations.

The Secretary-General intends to keep the experience gained in implementing the HRDDP under close review.

A copy of the summary of the HRDDP is provided as an annex to the present letter and the full text of the policy is available on request. UN entities engaged in the provision of support to security forces will provide additional briefings to national interlocutors, including the Government and national security forces, in the [time]].

We look forward to discussing with you the implications of this policy with regard to the support provided by the UN system to non-UN security forces in [country], in particular [list the different types of support (programmes) provided by the UN to local security forces].

[...]

Annex III: General and preliminary risk assessment framework (GPRAF)

[name of country]

According to the HRDDP, "UN entities that are contemplating or involved in providing support to non-UN security forces must [...] [conduct] an assessment of the risks involved in providing or not providing such support, in particular the risk of the recipient entity committing grave violations of international humanitarian law, human rights law or refugee law". Furthermore, "each UN entity should take into account the need to promote consistency in the implementation of the policy across the UN-system. The most senior United Nations official in country (SRSG and/or RC) is responsible for initiating consultations on the implementation framework with all national and international stakeholders".

Peacekeeping missions, special political missions or UNCTs are encouraged to adopt a GPRAF when support is planned or already provided by two or more UN entities to non-UN security forces in the country. The main objectives of GPRAF are to avoid duplication of efforts (when different UN entities are involved in a variety of support to the same national security forces or one UN entity is involved in different types of support to the same security forces), and to ensure a coherent and consistent assessment of security forces by UN entities in the same country.

The GPRAF is a basic inter-agency risk assessment, to be carried out under the coordination of the most senior UN official in country (SRSG, RC, HC), representing the common position of the UN system with regard to the level of risk that generally exists for security forces in country to commit grave human rights violations. The GPRAF compiles relevant and available information regarding human rights violations committed by security forces. Such document will also facilitate and speed up the process of individual risk assessments that have to be undertaken by each UN entity under the HRDDP.

I. EXISTING Non-UN SECURITY FORCES IN COUNTRY[13]		
Name of security forces	**Line ministry**	**Size, structure, deployment**

II. CURRENT and PLANNED UN SUPPORT to SECURITY FORCES in COUNTRY			
UN entity	**Security sector structure / institution *(ex: Army)***	**Timeframe of support (incl. past, present and planned)**	**[a] Type of support provided [b] Amount of support provided (or project costs) [c] Implementing partner**

UN documents	
UPR documents	**status[14]**
-Compilation of UN information [title of document and web address] -Summary of stakeholder's information [title of document and web address] -Report of the Working Group [title of document and web address]	
Treaty Bodies documents	
-Concluding observations of the [relevant treaty body] [title of document and web	

[13] See HRDDP, para. 7

[14] The purpose of this section is to compile all reports and other documentation that could give relevant information about human rights compliance by the security forces supported by UN entities in country. Through a relatively basic search of these documents, UN field presences should be able to quickly check relevant information. The right "status" column is to be checked for each document/report that has been read and/or verified

address]	
Special Procedures documents	
-Report of the Special Rapporteur on [relevant mandate] [title of document and web address]	
Other UN reports	
-OHCHR (Country Office and Human Rights Components reports and other UN reports (expert groups, Human Rights Council, General Assembly, Secretary General,...) [title of document and web address] - SRSG – CAAC - SRSG – SVC - SG reports on country	
Non-UN reports	
-National Human Rights Institutions reports [title of document and web address] -Regional Human Rights Organization reports [title of document and web address]	
Other reports	
-Local NGOs reports [title of document and web address] -HRW Annual Report, http://www.hrw.org/world-report-2012#countries -Amnesty International Annual Report http://www.amnesty.org/en/annual-report/2012/country-data -Other international NGOs reports (ICJ, ICG, ...) [title of document and web address] -Relevant media article(s) [title of document and web address]	

IV. MAIN HUMAN RIGHTS ISSUES REPORTED REGARDING RELEVANT SECURITY FORCES[15]

This section should provide a summary of the content of the above document, including the type of violations most regularly committed by security forces and all relevant human rights element that UN entities should take into consideration when planning a support to security forces.

V. CONCLUSIONS

[15] For countries where there is an OHCHR country or regional office, a Human Rights Adviser to the UNCT, or a Human Rights Component in the peacekeeping or special political mission, UN entities are encouraged to consult them for advice and support.

This section should include, on the basis of all the elements developed above, an analysis of the risks existing with national security forces that will guide the development of UN entity-specific risk assessment and mitigatory measures, if relevant.

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