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*EU Guidelines for military and non-military use of Artificial Intelligence*

- European Parliament Resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies (2020/2012(INL))  
<[https://www.europarl.europa.eu/doceo/document/TA-9-2020-0275\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2020-0275_EN.html)>
- Legal Affairs Committee of the European Parliament (EP) Guidelines on the use of AI for military purposes and its use in the health and justice sectors, adopted on 10 December 2020,  
<<https://www.europarl.europa.eu/news/en/press-room/20201209IPR93411/artificial-intelligence-guidelines-for-military-and-non-military-use>>

On 20 October 2020, the European Parliament adopted a resolution with recommendations to the Commission on a framework of ethical aspects of artificial intelligence (AI), robotics and related technologies. In relation to the field of AI, the Parliament has already adopted a wide range of resolutions and approved three reports on artificial intelligence in the areas of ethics, civil liability, and intellectual property.<sup>2</sup> On 10 December 2020, the Legal Affairs Committee of the European Parliament (EP) adopted new guidelines on the use of AI for military purposes and its use in the health and justice sectors. The EP also set up a new Special Committee on Artificial Intelligence in a Digital Age (AIDA).<sup>3</sup>

A High-Level Expert Group on Artificial Intelligence (AI HLEG), set up by the Commission, had already issued a report entitled 'Ethics Guidelines for Trustworthy AI' on 8 April 2019.<sup>4</sup> Furthermore, the Commission has produced a White Paper on AI with the twin objective of

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<sup>1</sup> This report was prepared by Valeria Eboli. She is a Professor of International Law at the Italian Naval Academy, Livorno, Italy. The views and opinions expressed are those of the author only.

<sup>2</sup> The texts are available at <[https://www.europarl.europa.eu/doceo/document/TA-9-2020-10-20-TOC\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2020-10-20-TOC_EN.html)> accessed 24 July 2021.

<sup>3</sup> European Parliament (2020), New committee on Artificial Intelligence begins its work,  
<<https://www.europarl.europa.eu/news/en/press-room/20200923IPR87711/new-committee-on-artificial-intelligence->>  
accessed 24 July 2021.

<sup>4</sup> See Valeria Eboli, 'Correspondents' Reports 2019: European Union' 22 *YIHL*  
<[https://www.asser.nl/media/784762/eu-report\\_2019.pdf](https://www.asser.nl/media/784762/eu-report_2019.pdf)> accessed 24 July 2021, pp 15-17.

promoting the uptake of AI and addressing the risks associated with certain uses of this new technology. It is aimed at setting out policy options on how to achieve these objectives.<sup>5</sup>

Following the approach of the White Paper, the Parliament indicates it is committed to enabling scientific breakthroughs, preserving the EU's technological position and "ensuring that new technologies are at the service of all Europeans – improving their lives while respecting their rights".<sup>6</sup> While the White Paper does not address the development and use of AI for military purposes, the Resolution includes these issues. It furthermore stresses the need to ensure a human-centric and human-made approach to AI at the European level.

In the Resolution, the Parliament takes the view that an effective and harmonised regulatory framework based on EU law, the Charter of Nice, and international human rights law is necessary to establish equal standards throughout the Union and effectively protect Union values.<sup>7</sup> It calls for an EU legal framework with definitions and ethical principles to ensure that human dignity and human rights are protected in relation to AI systems. Rules are needed to guarantee that AI systems are subject to meaningful human control. Therefore, humans should be allowed to correct or disable these systems in case of unforeseen situations and should ultimately be held responsible. So AI systems should be designed in a way that they can be understood by the people using them to guarantee that the technologies are there to serve the people and not to replace or decide for them. Ultimately, their aim should be to increase every human being's well-being.<sup>8</sup>

In the Parliament's view, the ethical basis is particularly important due to the power asymmetry between those who employ AI technologies and those who interact with and are subject to them. Specific reference is then made<sup>9</sup> to the principles of necessity and proportionality, which are the leading principles for conduct in an armed conflict and also arising from international human rights law, and that every AI system should comply with.

Particular attention is paid to the eventual impact of AI on the protection of the environment, on issues related to privacy, especially as regards the use of Big Data, and on the issue of accountability.

According to the Parliament, AI, robotics, and related technologies should be used by governments and businesses to benefit the people and the planet by contributing to sustainable development, the preservation of the environment, climate neutrality, and circular economy goals. Their development, deployment, and use should contribute to the green transition, help preserve the environment, and minimise and remedy any harm caused to the environment during their lifecycle and across their entire supply chain in line with European Union law.<sup>10</sup>

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<sup>5</sup> European Commission (2020) White Paper on Artificial Intelligence - A European approach to excellence and trust – Brussels, 19.2.2020 COM(2020) 65 final, <[https://ec.europa.eu/info/sites/default/files/commission-white-paper-artificial-intelligence-feb2020\\_en.pdf](https://ec.europa.eu/info/sites/default/files/commission-white-paper-artificial-intelligence-feb2020_en.pdf)> accessed 24 July 2021.

<sup>6</sup> European Commission (2020) White Paper on Artificial Intelligence - A European approach to excellence and trust – Brussels, quoted above, p 1

<sup>7</sup> European Parliament (2020) Resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, <[https://www.europarl.europa.eu/doceo/document/TA-9-2020-0275\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2020-0275_EN.html)> accessed 24 July 2021, p 7.

<sup>8</sup> Ibid.

<sup>9</sup> European Parliament, Resolution of 20 October 2020, above n 6, para 4.

<sup>10</sup> European Parliament, Resolution of 20 October 2020, above n 6, para 51.

Furthermore, there is a need to respect and enforce the individuals' right to privacy and protection of personal data in line with Union law, as data production and use, including personal data such as biometric data, resulting from the development, deployment and use of artificial intelligence, robotics and related technologies are rapidly increasing. Since AI technologies provide the possibility to use personal and non-personal data to categorise and micro-target people, identify vulnerabilities, and/or predict future behaviours, protection must be enforced to counterweigh these risks. One particular risk is AI systems being used in breach of the principle of non-discrimination and becoming a direct threat to democracy. For instance, when decisions causing legal effect or which significantly affect the individual are based solely on automated processing, an algorithmic bias could occur.

The development, deployment, and use of these technologies should not cause injury or harm to any kind of individuals, society, or the environment. Accordingly, developers, deployers, and users of these technologies must be held accountable for any injury or harm and/or for breaches of safety or transparency. This should be done to varying degrees based on the extent of their involvement and in accordance with the relevant Union and national liability rules.<sup>11</sup>

Based on the general frame designed by the Resolution, the Guidelines for military and non-military use of AI focus more in detail on aspects related to the eventual use of AI in relation to weapons and weapon systems.<sup>12</sup> The guiding principles are that lethal autonomous weapon systems can be lawful only if subject to human control. AI should not replace human decision-making or human contact. Furthermore, a ban on "highly intrusive social scoring applications" should be introduced by public authorities.

In line with the previous *Ethics Guidelines for Trustworthy AI*, it is stated in the guidelines that AI should be lawful, ethical, and robust. Each of these three components should be met throughout the system's entire life cycle. In the drafters of the Guidelines' view, 'lawful' means that it should comply with all applicable laws and regulations; 'ethical' means that it should adhere to ethical principles and values; and 'robust' refers to its reliability, both from a technical and social perspective since AI systems can cause unintentional harm. No component is sufficient in itself, but all of them must be present at all times. Recognising the positive impact that AI systems already have and will continue to have, both commercially and societally, it is necessary to properly handle the risks and other adverse impacts with which these technologies are associated.<sup>13</sup>

In line with the principles of human responsibility stressed in the Resolution, the MEPs highlighted that it must be humans who decide between life and death. LAWS should thus be used only as a last resort and in compliance with the principles of necessity and proportionality of IHL. Human oversight is thereby deemed essential and may be crucial to assess the lawfulness of LAWS under IHL.

The Resolution calls on the EU to take a leading role in promoting a global framework on the military use of AI, together with the UN and the international community more generally. In the

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<sup>11</sup> European Parliament, Resolution of 20 October 2020, above n 6, p 36.

<sup>12</sup> European Parliament (2020) Artificial Intelligence: guidelines for military and non-military use, <<https://www.europarl.europa.eu/news/it/press-room/20201209IPR93411/artificial-intelligence-guidelines-for-military-and-non-military-use>> accessed 24 July 2021.

<sup>13</sup> See Valeria Eboli, 'Correspondents' Reports 2019: European Union' 22 *YIHL* <[https://www.asser.nl/media/784762/eu-report\\_2019.pdf](https://www.asser.nl/media/784762/eu-report_2019.pdf)> accessed 24 July 2021, pp 15-17.

view of the EU, a values-based regulatory framework would make a significant contribution to the well-being and prosperity of the individual and the protection of their fundamental rights. It would also represent an added value as an ethical and regulated use of such new technologies could prevent their misuse.

*EU Statements on genocide, crimes against humanity and war crimes*

- European Parliament resolution of 15 January 2020 on human rights and democracy in the world and the European Union's policy on the matter — annual report 2018 (2019/2125(INI)) (2021/C 270/03)  
< <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020IP0007&from=EN>>
- Council of the European Union, Presidency report of the 5th EU Day Against Impunity for genocide, crimes against humanity and war crimes  
< <https://www.eurojust.europa.eu/sites/default/files/2020-12/ST09120.EN20-5th-EU-Day-Against-Impunity.pdf>>

On 15 January 2020, the European Parliament issued a resolution on human rights and democracy to highlight the importance of such themes in the world and as a subject of the European Union policies. The Parliament highlighted the scourge of armed conflicts and military attacks aiming, inter alia, at ethnic cleansing, which continues to claim civilian lives and causes mass displacement, with states and non-state actors ignoring their responsibility to abide by international humanitarian law and international human rights law. The resolution stresses that grave human rights violations aimed at denying human dignity are devastating for victims and recalls that illegal acts of war must thus always be condemned unanimously and addressed effectively.

By way of example, it recalls that execrable behaviours often take place during armed conflicts, including the use of torture and other cruel, inhuman, and degrading treatment; enforced disappearance; extra-judicial killings; violence against protected categories of individuals; and deliberate starvation as weapons of war designed to destroy, destabilise, and demoralise individuals, families, communities, and societies, and especially children.

It highlights the particular vulnerability of some categories of civilians and civilian goods. Women from ethnic and religious minorities, for instance, are often victims of sexual violence. The same holds for the rights of children. All kinds of abuse, neglect, mistreatment, trafficking, and exploitation of children, including forced marriages and the recruitment or use of child soldiers in armed conflict, are deemed unacceptable. In this regard, the Parliament recalls and supports the monitoring and reporting mechanism established by the UN Security Council Resolution 1612 on children and armed conflict as providing children with care and education is crucial for the future of humanity. Attacks on hospitals, schools and other civilian objects are equally strongly condemned.

Another issue at stake is that of accountability for human rights violations. The Parliament

“stresses the link between the rise in human rights violations and widespread impunity and the lack of accountability in those regions and countries devastated by conflicts or characterised by politically motivated intimidation, discrimination, harassment and assault, abduction, violent policing, arbitrary arrests, cases of torture, and killings; calls on the international community to support actions aimed at combating impunity and promoting

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accountability, especially in those regions and countries where the dynamics of impunity reward those who bear the greatest responsibility and disempower victims; stresses, moreover, that minorities and marginalised groups are often particularly impacted by conflicts".<sup>14</sup>

EU Member States are called upon to strictly comply with the EU Code of Conduct on Arms Exports and, in particular, to stop all transfers of arms or surveillance and intelligence equipment that can be used by governments to suppress human rights, especially in the context of armed conflicts. Then, recalling its resolution of 27 February 2014 on the use of armed drones<sup>15</sup>, the Parliament expresses its deep concern over the use of such devices outside the international legal framework, urging the High Representative of the Union for Foreign Affairs and Vice President of the European Commission (HR/VP) to ban the development, production, and use of fully autonomous weapons which make it possible for strikes to be carried out without human intervention.<sup>16</sup>

Moreover, the Parliament strongly condemns all heinous crimes and human rights violations committed by states and non-state actors.<sup>17</sup> In particular, it urges to prevent any act that could be considered a genocide, a war crime, or a crime against humanity, and "respond in an efficient and coordinated manner in cases where such crimes occur, to mobilise all necessary resources to bring to justice all those responsible, to assist the victims and to support stabilisation and reconciliation processes".<sup>18</sup>

Furthermore, it highly recommends the establishment of a European observatory on prevention, accountability, and combating impunity and reiterates its call for the HR/VP to appoint an EU Special Representative on International Humanitarian Law and International Justice with a mandate to promote, mainstream, and represent the EU's commitment to the fight against impunity.

The Parliament then reaffirms its firm support for the International Criminal Court (ICC) and expresses its concern over the fact that only a few states have ratified the Kampala Amendment, which gives the ICC powers to prosecute the crime of aggression subject to certain jurisdictional constraints. It calls for the EU and its Member States to take action and encourage all UN member states to ratify and implement the Rome Statute by using all their political weight.

In order to help the victims of violations of international human rights law and international humanitarian law to access international justice and obtain remedy and reparation, the Parliament calls on the Commission and the European External Action Service (EEAS) to investigate possibilities and present new tools to achieve this aim. The Parliament's reference to the strengthening of efforts to build the capacity of non-EU countries to apply the principle of universal

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<sup>14</sup> European Parliament (2020) Resolution of 15 January 2020 on human rights and democracy in the world and the European Union's policy on the matter — annual report 2018 (2019/2125(INI)), *Official Journal of the European Union* OJ C 270 of 7 July 2021, <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020IP0007>> accessed 24 July 2021, para 25.

<sup>15</sup> European Parliament resolution of 27 February 2014 on the use of armed drones (2014/2567(RSP)), *Official Journal of the European Union* OJ C 285 of 29 August 2017, <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52014IP0172&qid=1638972661804>> accessed 24 July 2021, p 110.

<sup>16</sup> European Parliament, Resolution of 15 January, above n 14, para 26.

<sup>17</sup> *Ibid.*, para 27.

<sup>18</sup> *Ibid.*

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jurisdiction in their domestic legal systems to avoid impunity is particularly interesting as it testifies the will to tackle the problem in a comprehensive way.<sup>19</sup>

Special attention is also paid to the human rights situation in occupied territories. The EU underlines the responsibility of the occupying power towards the civilian population under international humanitarian law and affirms that “illegal occupation of a territory or part of it is a violation of international law”.<sup>20</sup>

Subsequently, it addresses specific rights and their violations, namely access to health and sexual and reproductive health, which are grounded in basic human rights and essential elements of human dignity. Inadequate access to vital goods and social services (for example, water, nutrition, health, education, and sanitation), as well as difficulties in gaining access to sexual and reproductive health, represent a violation of human rights. The Parliament condemns the violations of women’s sexual and reproductive human rights (SRHR), including the denial of access to relevant services. It particularly stresses that women and girls who are victims of armed conflicts have the right to receive the necessary medical care and emphasises the role of women in conflict prevention and resolution, in peacekeeping, humanitarian aid, and post-conflict reconstruction operations, and in the promotion of human rights and democratic reforms.<sup>21</sup> This view is in line with UN Security Council Resolution 1325 on Women, Peace and Security (WPS) and the relevant EU instruments on this topic, including the Gender Action Plan (GAP).<sup>22</sup>

The Parliament also expresses its concern over the protection of the rights of the child<sup>23</sup> as minors are often exposed to specific forms of abuse, such as child forced marriage, child prostitution, use of child soldiers, genital mutilation, child labour, and child trafficking, especially in humanitarian crises and armed conflicts, and therefore require enhanced protection. It draws particular attention to forced marriages, calling for EU initiatives to promote actions aimed at making 18 the legal minimum age for marriage, requiring the verification of the age of both spouses and of their full and free consent, introducing compulsory marriage records, and ensuring compliance with those rules.

There are also special situations of vulnerability to tackle. Particular care should be given to stateless as well as migrant and refugee children, and efforts are needed to rehabilitate and reintegrate children affected by conflict, especially those who are victims of extremist groups, and children that suffer from multiple and intersectional discrimination. The Parliament, therefore, calls for the EU to advocate the rights of the child and insists on universal ratification and effective implementation of the UN Convention on the Rights of Child and its Optional Protocols.

In line with the overall view expressed by the Parliament in the Resolution, the Council issued a statement focussing specifically on the fight against international crimes on the occasion of the Fifth EU Day Against Impunity. The latter took place on Saturday, 23 May 2020, organised in collaboration with the Croatian Presidency, the European Commission, the Network for

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<sup>19</sup> The integrated approach of the EU is based on the EU Global Strategy for the EU’s Foreign and Security Policy, 2016, <[https://ec.europa.eu/topics/eu-global-strategy/17304/global-strategy-european-unions-foreign-and-security-policy\\_en](https://ec.europa.eu/topics/eu-global-strategy/17304/global-strategy-european-unions-foreign-and-security-policy_en)> accessed 23 December 2021.

<sup>20</sup> European Parliament, Resolution of 15 January, above n 14, para 30.

<sup>21</sup> *Ibid.*, para 35.

<sup>22</sup> On the EU approach to gender, see Valeria Eboli, ‘Correspondents’ Reports 2019: European Union’ 22 *YIHL*, <[https://www.asser.nl/media/784762/eu-report\\_2019.pdf](https://www.asser.nl/media/784762/eu-report_2019.pdf)> accessed 24 July 2021, pp 11 ff.

<sup>23</sup> European Parliament, Resolution of 15 January 2020, above n 14, para 37.

investigation and prosecution of genocide, crimes against humanity and war crimes ('the Genocide Network') and Eurojust. Its objective was to raise awareness of the most heinous crimes of genocide, crimes against humanity, and war crimes against which the EU is committed to taking action. To achieve this aim, promoting national investigations and prosecutions and enforcing international criminal law is deemed an essential useful tool. This day further provides the opportunity to pay respect to the victims of these crimes and to bolster the European-wide commitment to continue the fight against impunity. The main theme of the EU Day Against Impunity was the cumulative prosecution of foreign terrorist fighters (FTFs).

Even though the primary responsibility for prosecuting these crimes lies with states themselves, the EU bodies are available to assist Member States in the investigation and prosecution of such crimes and subsequently in the trials as well. In fact, there are legal instruments available to this end at the EU level, for example, the European Investigation Order or the Victims' Rights Directive.<sup>24</sup>

Core international crimes are not a distant reality for EU citizens, as they could be involved in armed conflicts as foreign fighters or be victims of them. The responsibility to protect and bring justice to victims are shared values in the EU, which should not become a safe haven for perpetrators of core international crimes.<sup>25</sup> At the end of the event, it was concluded that:

The primary responsibility for prosecuting core international crimes lies with the states, who should all join the fight against impunity; for those who already have, they should continue to do so with an even greater intensity.

The choice of prosecuting cumulatively foreign terrorist fighters<sup>26</sup> by national authorities is *possible, and bring* several advantages: ensures full criminal responsibility of the perpetrators, leads to stiffer sentencing, and brings more justice to victims.

Cooperation, both on the national and international level, is essential for successful cumulative prosecutions. Nationally, among counter-terrorism units and war crimes units, and among immigration services and their intelligence counterparts. Internationally, it is of importance that national authorities share information and good practices with one another, and rely on the expertise, resources and knowledge of civil society organisations.<sup>27</sup>

The EU is thus strongly committed to prosecuting such crimes.

On this issue, the following report prepared by the Secretariat of Eurojust's Genocide Network on cumulative prosecution of foreign terrorist fighters for core international crimes and terrorism-

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<sup>24</sup> Directive 2014/41/EU of 3 April 2014 regarding the European Investigation Order in criminal matters, *Official Journal of the European Union* L 130/1 of 1 May 2014, <<https://www.ejn-crimjust.europa.eu/ejn/libcategories.aspx?Id=120>> accessed 24 July 2021.

<sup>25</sup> *Ibid.*

<sup>26</sup> See Network for investigation and prosecution of genocide, crimes against humanity and war crimes and EUROJUST (2020) Cumulative prosecution of foreign terrorist fighters for core international crimes and terrorism-related offences, <[https://www.eurojust.europa.eu/sites/default/files/Partners/Genocide/2020-05\\_Report-on-cumulative-prosecution-of-FTFs\\_EN.PDF](https://www.eurojust.europa.eu/sites/default/files/Partners/Genocide/2020-05_Report-on-cumulative-prosecution-of-FTFs_EN.PDF)> accessed 24 July 2021.

<sup>27</sup> Council of the European Union, Presidency report of the 5th EU Day Against Impunity for genocide, crimes against humanity and war crimes, <<https://www.eurojust.europa.eu/sites/default/files/2020-12/ST09120.EN20-5th-EU-Day-Against-Impunity.pdf>> accessed 24 July 2021, p 7.

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related offences should be mentioned.<sup>28</sup> This report stressed that foreign terrorist fighters (FTFs)<sup>29</sup> should be prosecuted for all the crimes they are responsible for. National jurisprudence of EU Member States demonstrates that additionally to terrorism-related offences, it is possible to hold them accountable for war crimes, crimes against humanity and the crime of genocide. Prosecuting terrorism offences combined with acts of core international crimes ensures the full criminal responsibility of perpetrators and brings more justice to victims.

*Use of mercenaries in conflict zones*

• Answer given by High Representative/Vice-President Borrell on behalf of the European Commission (26.8.2020) to the Question for written answer E-003503/2020/rev.1 on the Subject: Mercenaries operating in third countries  
<[https://www.europarl.europa.eu/doceo/document/E-9-2020-003503-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2020-003503-ASW_EN.html)>

On 11 June 2020, Member of the European Parliament (MEP) Roberta Metsola (PPE) presented a Question for written answer<sup>30</sup> to the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission on the subject of mercenaries operating in third countries.<sup>31</sup> The Parliamentarian recalled that it is reported that many African states continue to rely on mercenaries, especially to help block and overcome insurgencies and to maintain a measure of order and security. In her view, it seems that they are used mostly in territories where state forces struggle to maintain public order within their borders. She also pointed out that the existence of the International Convention Against the Recruitment, Use, Financing and Training of Mercenaries does not seem to be effective.

Metsola added that the phenomenon is relevant to the EU as some citizens of its Member States continue to travel to conflict zones as foreign fighters.<sup>32</sup> Additionally, she mentioned that the

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<sup>28</sup> Network for investigation and prosecution of genocide, crimes against humanity and war crimes and EUROJUST (2020) Cumulative prosecution of foreign terrorist fighters for core international crimes and terrorism-related offences, quoted above.

<sup>29</sup> The first reference to foreign terrorist fighters was made in UN Security Council (UNSC) Resolution 2170 in 2014 without defining the term. The Resolution called upon all UN Member States “to take national measures to suppress the flow of foreign terrorist fighters [...] and bring [them] to justice”. Later, UNSC Resolution 2178 defined the term as “individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict” in Paulussen and Pitcher (2018) Prosecuting (Potential) Foreign terrorist fighters: Legislative and Practical Challenges, ICCT – The Hague <<https://icct.nl/publication/prosecuting-potential-foreign-fighters-legislative-and-practical-challenges/>> p 5.

<sup>30</sup> On the European Parliamentary questions, see European Parliamentary Research Service (2021) Parliamentary questions, <<https://epthinktank.eu/2014/12/05/parliamentary-questions/>> accessed 24 July 2021.

<sup>31</sup> Question for written answer E-003503/2020/rev.1 to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the subject of mercenaries operating in third countries, <[https://www.europarl.europa.eu/doceo/document/E-9-2020-003503\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2020-003503_EN.html)> accessed 24 July 2021.

<sup>32</sup> Question for written answer E-003503/2020/rev.1 to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the subject of mercenaries operating in third countries, quoted above, p 1.



recommendation of the Parliament's Civil Liberties, Justice and Home Affairs Committee to discourage the recruitment of EU citizens as foreign fighters<sup>33</sup> has thereby proved ineffective.

Metsola made also reference to the fact that the employment of private military companies may adversely affect the respect for human rights during an armed conflict as they carry out work normally assigned to state armies but are not bound by the same "ethical standards".<sup>34</sup> In her view, individual mercenaries who are hired on a personal basis cannot be expected to take into account human rights considerations or checks and balances like trained members of regular armed forces do.

Ms. Metsola, therefore, raised two main issues. Firstly, she asked how the HR/VP approaches this subject in EU relations with third countries, and notably those African governments that continue to hire mercenaries, many of them EU nationals with prior experience in conflict zones. Secondly, she asks about the principles that guide EU dealings with third country governments on this issue.

On 26 August 2020, the HR/VP Borrell gave the answer under review here on behalf of the European Commission. He clarified that "although the primary responsibility for the promotion and protection of human rights lies with States, the EU continues to express grave concern over potential harm and negative impact that mercenary activities can have on armed conflicts, including on the African continent"<sup>35</sup>.

He further specified the legal distinction between mercenaries under international humanitarian law and private security and military companies (PMSCs). Mercenaries are clearly defined under IHL ex Article 47 of Additional Protocol I to the four Geneva Conventions.<sup>36</sup> Such a definition, however, is very restrictive, and the determination of the mercenary status is to be done by a "competent tribunal"<sup>37</sup> of the detaining power. Furthermore, under international humanitarian law, being a mercenary does not constitute a specific crime. One can be prosecuted for being a mercenary only under the national law of the detaining power if it contains such provisions designating mercenarism as a distinct crime.

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<sup>33</sup> For a clear definition of mercenaries and foreign fighters, see Christophe Paulussen, *Stripping foreign fighters of their citizenship: International human rights and humanitarian law considerations*, in *International Review of the Red Cross*, pp 1-14, at 2.

<sup>34</sup> Question for written answer E-003503/2020/rev.1 to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the subject of mercenaries operating in third countries, quoted above, p 1.

<sup>35</sup> Answer given by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy Borrell on behalf of the European Commission, <[https://www.europarl.europa.eu/doceo/document/E-9-2020-003503-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2020-003503-ASW_EN.html)>, accessed 03 December 2021, p 1.

<sup>36</sup> As defined by Article 47 of Additional Protocol I to the Geneva Conventions, a mercenary is any person who: is specially recruited locally or abroad,

1. does, in fact, participate directly in the hostilities,
2. is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that party
3. is neither a national of a party to the conflict nor a resident of a territory controlled by a party to the conflict;
4. is not a member of the armed forces of a party to the conflict; and
5. has not been sent by a State that is not a party to the conflict on official duty as a member of its armed forces.

See Christopher Kinsey (2008) *International Law and the Control of Mercenaries and Private Military Companies*, <<https://journals.openedition.org/conflicts/11502>> accessed 24 July 2021.

<sup>37</sup> Article 5 Geneva Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949.

The EU advocates for the respect of all elements of international humanitarian law, in line with the EU Guidelines on the promotion of compliance with international humanitarian law, and undertakes all efforts to promote compliance with international law by PMSCs which provide services to public and private sector actors. In relation to PMSCs, Mr. Borrell recalled the Montreux Document, which sets out international legal obligations for States when engaging PMSCs in armed conflict.<sup>38</sup> The EU, as an international organisation, is a signatory to this document. Furthermore, the commitment of the EU is testified by its participation in the United Nations (UN) Open-ended Inter-governmental Working Group to elaborate the content of an international regulatory framework, without prejudging the nature thereof, relating to the activities of private military and security companies.<sup>39</sup> The HR/VP also recalls that within the framework of the United Nations, the EU has regularly engaged with the UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.<sup>40</sup>

Mr. Borrell's reply mentions all the main legal issues related to the regulation of PMSCs. Nevertheless, it needs to be read in relation to the question asked by Ms. Metsola. In this regard, it does not seem to refer to any direct action to be taken to prevent the involvement of EU citizens as foreign fighters in armed conflicts abroad, as literally requested by the MEP.<sup>41</sup> The HR/VP stresses the participation of the EU in all the main international fora where a debate is ongoing about a possible regulation of PMSCs. His answer can thus be interpreted as confirming the EU's interest in the matter; it does not, however, mention any concrete tools to tackle the issue.

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<sup>38</sup> For the text of the Montreux Document, see Permanent Representative of Switzerland (2008) Letter dated 2 October 2008 from the Permanent Representative of Switzerland to the United Nations addressed to the Secretary-General UN doc. A/63/467/ S/2008/636, <<https://digitallibrary.un.org/record/640805>> accessed 24 July 2021. It clarifies what the pertinent existing obligations under international humanitarian law (IHL) and international human rights law (IHRL) are and contains about 70 good practices designed to assist States in complying with these obligations. This non-binding document is the result of a process launched by the Government of Switzerland and the International Committee of the Red Cross (ICRC) with the aim to promote IHL and IHRL. It has also been sent to the General Assembly of the United Nations as a letter. The obligations and good practices contained within the document specially relate to employing PMCs and PSCs during armed conflict. Some of these obligations have a very general character so that they could be potentially applicable to other situations as well. For instance, paragraph 2 containing the criteria for the selection of PMSCs could be applicable every time [what do you mean by "every time?"]: it covers, *inter alia*, the obligation to acquire weapons lawfully. All the obligations arising from the Montreux Document are mainly intended to orientate the behaviour [what do you mean by orientate the behaviour?] of the states hiring the companies.

<sup>39</sup> United Nations (UN) (2021) Open-ended inter-governmental working group to elaborate the content of an international regulatory framework, without prejudging the nature thereof, relating to the activities of private military and security companies, <<https://digitallibrary.un.org/record/3862636?ln=en>> accessed 24 July 2021.

<sup>40</sup> The Working Group (WG on Mercenaries) was established in 2005 by the Commission on Human Rights pursuant to Commission on Human Rights resolution 2005/2 and is now linked to the UN High Commissioner for human rights. Office of the High Commissioner for Human Rights (2005) The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, Human Rights Resolution 2005/2, <<http://www.unwg.rapn.ru/en/1.htm>> accessed 24 July 2021. Among the aims of the WG on Mercenaries is the elaboration of concrete proposals on possible new standards, general guidelines or basic principles encouraging the further protection of human rights. In the list of the tasks to be pursued by the WG set up in paragraph 12 of the basic resolution 2005/2, it is stated that it has "to monitor and study the effects of the activities of private companies offering military assistance, consultancy and security services on the international market on the enjoyment of human rights, particularly the right of peoples to self-determination, and to prepare draft international basic principles that encourage respect for human rights on the part of those companies in their activities."

<sup>41</sup> See above.

*Declaration of the EU on the Ceasefire Agreement in Libya*

- Declaration by the High Representative on behalf of the EU on the announcement of a Ceasefire Agreement in Libya <<https://www.consilium.europa.eu/en/press/press-releases/2020/10/25/declaration-by-the-high-representative-on-behalf-of-the-eu-on-the-announcement-of-a-ceasefire-agreement-in-libya/pdf>>

A Ceasefire Agreement was signed by the Libyan representatives of the 5+5 Joint Military Commission (JMC) in Geneva on 23 October 2020.<sup>42</sup> It emphasises the territorial integrity of Libya and the protection of its land, air, and sea borders and calls on all external powers to refrain from intervening in the national decision-making and resources of the country. Furthermore, it stresses the importance of combating terrorism as a common national policy in which all political and security state institutions shall take part, and of respecting human rights and international humanitarian law. The terms of the Agreement cover the entire Libyan territory, including land, sea, and air.

The European Union and its Member States warmly welcomed the signature of the said agreement and commended UN Acting Special Representative Stephanie Williams for her successful efforts and determination. In the view of the EU, the Ceasefire Agreement is a crucial step and the result of intense regional and international efforts, initiated within the framework of the UN-led Berlin process.<sup>43</sup> It mentions *inter alia* a comprehensive process of Disarmament, Demobilization and Reintegration (DDR) as a confidence building measure (CBM) which is critical for the return of security and stability in Libya. Moreover, the Agreement provides for the withdrawal of all foreign fighters and mercenaries within 90 days.<sup>44</sup>

The European Union and its Member States encouraged the Libyan parties to fully and immediately implement the Ceasefire Agreement and called on all international and regional actors to support the Libyan efforts, refrain from foreign interference in the Libyan conflict, and stop the violations of the UN arms embargo in full respect of the relevant UN Security Council resolutions, stressing that all foreign intervention is unacceptable. The European Union declares that it stands ready to support the implementation of the Ceasefire Agreement with concrete actions, confident that its implementation will lead to the relaunch of an inclusive political process in Libya. The European Union and its Member States reiterated their continuous support for the United Nations Support Mission in Libya (UNSMIL) in order to bring about a peaceful solution to the longstanding Libyan conflict in the interest of the Libyan population.

The position of the European Union is clearly in favour of the launch of a peace process, stressing the importance of dealing with topical issues such as DDR and stopping the participation of mercenaries and FTFs, sometimes also being nationals of EU Member States, in the conflict in Libya. It is worth mentioning that the press release was jointly convened by the EU and its Member

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<sup>42</sup> The text is available at <[https://unsmil.unmissions.org/sites/default/files/ceasefire\\_agreement\\_between\\_libyan\\_parties\\_english.pdf](https://unsmil.unmissions.org/sites/default/files/ceasefire_agreement_between_libyan_parties_english.pdf)> accessed 24 July 2021.

<sup>43</sup> About the Berlin process see <<https://unsmil.unmissions.org/berlin-international-conference-libya-19-january-2020>> accessed 24 July 2021.

<sup>44</sup> Ibid.

States, expressing a joint position, which reinforces the political weight of such a statement at the international level.

African Union – European Union Cooperation

- EU-African Union relations: joint communiqué of the AU Peace and Security Council and the EU Political and Security Committee  
<<https://www.consilium.europa.eu/en/press/press-releases/2020/10/26/eu-african-union-relations-joint-communique-of-the-au-peace-and-security-council-and-the-eu-political-and-security-committee/pdf>>

On 26 October 2020, the African Union (AU) Peace and Security Council (AU PSC) and the European Union (EU) Political and Security Committee (EU PSC) held their 12<sup>th</sup> Annual Joint Consultative Meeting<sup>45</sup> within the framework of the relationships established by Article 17 of the AU's Protocol Relating to the Establishment of the Peace and Security Council of the African Union.<sup>46</sup> Several points were discussed, including the conflicts in the Sahel region, Sudan, and Somalia, and the role and importance of United Nations Security Council Resolution 1325 at its 20th anniversary.

The AU PSC and the EU PSC expressed deep concern and condemnation over the attacks against civilian populations, armed and security forces, and all other regional and international forces in the Sahel. They took note of the growing deteriorating humanitarian situation resulting from the poor security in the region, which is mainly caused by social and economic unbalances, terrorism, and organised crime.

In relation to Mali, both the AU PSC and the EU PSC reaffirmed their commitment to continue supporting the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the G5 Sahel Joint Force. The EU also confirmed its commitment to assist national security forces, the G5 Sahel Joint Force and MINUSMA through its European Union Common Security and Defence Policy (CSDP) missions.

The AU PSC and the EU PSC welcomed the establishment of a civilian-led transition in Mali, through the appointments of the President, the Deputy President and the Prime Minister, the

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<sup>45</sup> The meeting was co-chaired by H.E. Ambassador Osama Abdelkhalek, Permanent Representative of the Arab Republic of Egypt to the AU and Chairperson of the AUPSC for October 2020 and H.E. Ambassador Sofie From-Emmesberger, Permanent Chair of the EU PSC.

Council of the EU (2020) EU-African Union relations: joint communiqué of the AU Peace and Security Council and the EU Political and Security Committee, <<https://www.consilium.europa.eu/en/press/press-releases/2020/10/26/eu-african-union-relations-joint-communique-of-the-au-peace-and-security-council-and-the-eu-political-and-security-committee/pdf>> accessed 24 July 2021.

<sup>46</sup> Protocol relating to the establishment of the Peace and Security Council of the African Union, signed 9 July 2002, (entered into force 26 December 2003) <[https://au.int/sites/default/files/treaties/37293-treaty-0024\\_-\\_protocol\\_relating\\_to\\_the\\_establishment\\_of\\_the\\_peace\\_and\\_security\\_council\\_of\\_the\\_african\\_union\\_e.pdf](https://au.int/sites/default/files/treaties/37293-treaty-0024_-_protocol_relating_to_the_establishment_of_the_peace_and_security_council_of_the_african_union_e.pdf)> accessed 24 July 2021. Article 17 pertaining to “Relationship with the United Nations and other International Organizations”, para 1, reads as follows:

“In the fulfillment of its mandate in the promotion and maintenance of peace, security and stability in Africa, the Peace and Security Council shall cooperate and work closely with the United Nations Security Council, which has the primary responsibility for the maintenance of international peace and security. The Peace and Security Council shall also cooperate and work closely with other relevant UN Agencies in the promotion of peace, security and stability in Africa.”

formation of the Transitional Government and the release of all officials who had been detained on 18 August 2020, and the adoption of the Charter of the Transition.<sup>47</sup> They encouraged the Malian Stakeholders to implement the Peace and Reconciliation Agreement in Mali, which emanated from the Algiers process (2015).<sup>48</sup> In the same context, the AU PSC and the EU PSC appealed to the international community to continue to enhance its humanitarian assistance to Mali during this transition phase given the gravity of the humanitarian situation, which is further exacerbated by the outbreak of the global coronavirus pandemic.<sup>49</sup>

It was stressed that a comprehensive approach is important to tackle the root causes and drivers of the deteriorating situation in the Sahel region, and that addressing the peacebuilding/post-conflict reconstruction in a political and development dimension is essential. In addition, the AU PSC and the EU PSC reaffirmed the importance of respect for human rights and of the fight against impunity by all stakeholders and State authorities, including security and defence forces. They welcomed the efforts of the G5 Sahel and the Economic Community of West African States (ECOWAS) in combating the scourges of terrorism and organised crime.

The AU PSC and the EU PSC furthermore noted the EU's close coordination with ECOWAS and the AU and welcomed the EU's cooperation and CSDP activities.

Moreover, they recognised the two historical transitions in Sudan and Ethiopia. With regard to the situation in Sudan, the AU PSC and EU PSC confirmed their commitment to accompany this State on its transition to democracy. They commended the efforts of the civilian-led Transitional Government of Sudan in strengthening human rights and particularly welcomed the criminalisation of Female Genital Mutilation and the reforming of the criminal justice system. In this framework, they expressed their approval for the Transitional Government of Sudan's announcement to undertake effective transitional justice measures to ensure accountability for those responsible for the atrocities in Darfur and to ensure justice for the victims.

The AU PSC and EU PSC also encouraged the Transitional Government of Sudan to identify priority areas for interventions aimed at promoting post-conflict stabilisation, reconstruction and development and welcomed the signing of the Juba Peace Agreement on 3 October 2020,<sup>50</sup> urging the signatory parties to implement its provisions and work together on promoting durable peace in Sudan, including by ensuring the participation of women and youth in this process. The AU PSC and EU PSC also welcomed the earlier signing of a Joint Agreement on Principles, by the Prime Minister of the Transitional Government of Sudan, Abdalla Hamdok, and the Chairman of the Sudan People's Liberation Movement-North (SPLM-N-AH), Abdelaziz al-Hilu, on 3 September 2020<sup>51</sup> as a positive step towards maintaining the cessation of hostilities and creating conducive conditions for all parties to find constructive political solutions. The AU PSC and EU PSC

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<sup>47</sup> Transitional Charter of Mali, signed 1 October 2020, Decree 2020-0072/PT-RM <<https://constitutionnet.org/vl/item/transitional-charter-mali>> accessed 24 July 2021.

<sup>48</sup> Agreement for Peace and Reconciliation in Mali, signed 24 July 2014, <[https://www.un.org/en/pdfs/EN-ML\\_150620\\_Accord-pour-la-paix-et-la-reconciliation-au-Mali\\_Issu-du-Processus-d'Alger.pdf](https://www.un.org/en/pdfs/EN-ML_150620_Accord-pour-la-paix-et-la-reconciliation-au-Mali_Issu-du-Processus-d'Alger.pdf)> accessed 24 July 2021.

<sup>49</sup> For detailed data, see <<https://ourworldindata.org/coronavirus/country/mali>> accessed 22 December 2021

<sup>50</sup> Juba Peace Agreement, signed 3 October 2020, <<https://redress.org/wp-content/uploads/2021/01/2021.1.14-Juba-Peace-Agreement-Unofficial-English-Translation.pdf>> accessed 24 July 2021.

<sup>51</sup> United Nations (2020) Secretary-General Welcomes Joint Agreement on Principles as 'Positive Step' Following Signing of New Sudan Peace Accord Earlier This Week, 4 September 2020, <<https://www.un.org/press/en/2020/sgsm20232.doc.htm>> accessed 24 July 2021.

expressed deep concern over the humanitarian situation in Sudan, which is further worsened by the coronavirus pandemic. As reported, the low level income country “was not prepared to manage and control the emerging COVID-19 pandemic”<sup>52</sup> so that it had particularly devastating effects.

Regarding the situation in Somalia, the AU PSC and the EU PSC welcomed the Dhusamareeb consultation<sup>53</sup> between the Federal Government of Somalia (FGS) and the Federal Member States (FMS), and welcomed the resumption of their constructive dialogue aimed at denouncing the Al Shabaab and other terrorist groups as well as ensuring restoration of peace and security. The AU PSC and the EU PSC recalled that peace and security are priorities for the overall EU-AU partnership.

As regards UN Security Council Resolution 1325, the AU PSC and the EU PSC observed that while much progress has been made with regards to women’s inclusion in peace processes, further efforts are required to advance implementation. They also underlined the need for sustained and meaningful participation of women and the youth in decision making and peace building at all levels.

#### • *EU Gender Action Plan III*

European Commission, High Representative of the Union for Foreign Affairs and Security Policy, Joint Staff Working Document, Objectives and Indicators to frame the implementation of the Gender Action Plan III (2021-25), Accompanying the document Joint Communication to the European Parliament and the Council, *Gender Action Plan III: An Ambitious Vision on Gender Equality and Women’s Empowerment for EU External Action* {JOIN(2020) 17 final} Brussels, 25.11.2020 SWD(2020) 284 final

<[https://ec.europa.eu/international-partnerships/system/files/swd\\_2020\\_284\\_en\\_final.pdf](https://ec.europa.eu/international-partnerships/system/files/swd_2020_284_en_final.pdf)>

Following the previous Action Plan on WPS,<sup>54</sup> an updated Gender Action Plan (GAP) III was adopted. The Gender Action Plan III has the ambition to be the EU’s blueprint for building a gender-equal world, to curb the rise of inequalities, and to accelerate progress on gender equality and women’s empowerment. It emphasises the importance of working together with EU Member States, in close cooperation with all partners, including civil society and communities, also in the field of EU external relations where the EU is willing to lead by example. In this framework, implementing the WPS agenda is set as a priority.<sup>55</sup>

GAP III aims at promoting gender equality and women’s empowerment through all external actions of the European Union. It will help empower women and girls to participate and lead

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<sup>52</sup> MM Mukhtar and M Khogali (2021) The accelerating COVID-19 epidemic in Sudan. *Nature Immunology* 22, pp 797–798

<sup>53</sup> Abdur Rahman Alfa Shaban (2020) Somalia leaders agree to hold timely polls, format to be decided, <<https://www.africanews.com/2020/07/23/somalia-s-regional-presidents-meet-national-polls-top-agenda/>> accessed 24 July 2021.

<sup>54</sup> Council of the European Union (2019) Action Plan on Women, Peace and Security (WPS) 2019-2024, <<https://data.consilium.europa.eu/doc/document/ST-11031-2019-INIT/en/pdf>> accessed 24 July 2021. See Valeria Eboli, ‘Correspondents’ Reports 2019: European Union’ 22 *YIHL*, <[https://www.asser.nl/media/784762/eu-report\\_2019.pdf](https://www.asser.nl/media/784762/eu-report_2019.pdf)> accessed 24 July 2021, pp 11-15.

<sup>55</sup> European Commission, Gender Action Plan (GAP) III, above n 46, p 5.

equally in social, economic and political life, and to have a say in decisions involving them, including on fields such as the environmental or digital transformation. In the end, its aim is “to create long-term change through concrete actions that change mentalities and address the harmful social norms and stereotypes at the root of gender inequality”.<sup>56</sup>

In the 21st century, disasters and human-made crises, including armed conflict, are some of the main global challenges. Conflict, crisis and fragility, however, hamper progress towards sustainable peace and security and towards achieving the sustainable development goals (SDGs). The EU recognised that there is a link between gender inequality and conflict, in line with the Women Peace and Security (WPS) agenda. In fact, gender inequality and conflict are mutually reinforcing, and the former is a root cause and driver of conflict and fragility. Indeed, inequalities coupled with the exclusion of women from power, opportunities, services, and security create a fertile ground for conflict and gender-based violence.<sup>57</sup> Women play multiple and diverse roles as combatants, peacebuilders, mediators, politicians, businesswomen, and activists. Nevertheless, the number of women involved in peace processes remains low,<sup>58</sup> despite global, regional, and national commitments, and “many peace agreements do not even include gender provisions that adequately address women’s needs”<sup>59</sup>.

Based on the EU’s Strategic Approach to WPS, the EU identifies clear objectives and fulfilment criteria, under the key priority areas of: (i) prevention; (ii) protection; (iii) relief and recovery, and the three overarching and cross-cutting principles of (iv) participation; (v) gender mainstreaming and (vi) leading by example.<sup>60</sup> The EU stresses that the objectives on WPS should be achieved in all peace and security-related contexts by integrating a gender perspective and ensuring women’s participation and leadership in their framework.

Among the mentioned priorities are also specific measures, such as targeted gender training for the military, promoting regional action to address gender-related challenges, and launching a capacity-building programme for military personnel, thereby supporting development and security (CBSD) to be implemented in African countries and incorporate the WPS agenda.<sup>61</sup> According to GAP III, it is necessary to fully integrate the EU policy framework on WPS in the EU’s overall gender equality policy framework.

Based on a gender-transformative approach, EU action should contribute to increasing the number of women participating in all EU activities and projects related to peace processes and improve their effectiveness and the quality of their participation. The EU has indicated to be committed to supporting and conducting capacity-building and mentoring on women’s leadership, establishing and institutionalising consultative mechanisms on all conflict-related issues where there are CSDP missions and operations, and developing mandatory trainings on mainstreaming gender perspectives for all staff at HQ, EU delegations, CSDP missions and operations. A good practice

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<sup>56</sup> Factsheet EU Gender Action Plan (GAP) 2021-2025, <[https://ec.europa.eu/international-partnerships/documents/factsheet-eu-gender-action-plan-gap-2021-2025\\_en](https://ec.europa.eu/international-partnerships/documents/factsheet-eu-gender-action-plan-gap-2021-2025_en)> accessed 24 July 2021, p 2.

<sup>57</sup> European Commission, *Gender Action Plan (GAP) III*, above n 46, p 17.

<sup>58</sup> *Ibid.*, p 18.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*, p 10.

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that can be built upon is women's participation in peacebuilding in the conflict in Syria<sup>62</sup>, where, after EU pressure, the intra-Syrian Constitutional Committee set up by the UN now consists of 30% women.

Responsibility for implementing the EU policy framework on the WPS agenda lies with both the EU Member States and all relevant Commission services.

The EU has indicated to be committed to promoting and supporting inclusive policies and activities across the whole WPS agenda with full and equitable participation also by men and boys, and to ensure medical, psycho-social, legal, and safety support to all victims and survivors of conflict-related sexual and/or gender-based violence (SGBV). The fight against impunity is a priority in this context, especially as regards perpetrators of SGBV crimes.

The GAP III 2021-2025 represents another step forward after the *Action Plan on Women, Peace and Security (WPS) 2019-2024* to further enhance gender mainstreaming in all the EU policies and especially in the framework of the CSDP activities and in the context of armed conflicts or post-conflict activities.

VALERIA EBOLI

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<sup>62</sup> Ibid. For more information about the Committee, see Office of the Special Envoy of the Secretary/General for Syria, Constitutional Committee, <<https://specialenvoysyria.unmissions.org/constitutional-committee-0>> accessed 24 July 2021.