

Integrating Human Rights into the Operational Readiness of UN Peacekeepers

NAMIE DI RAZZA AND JAKE SHERMAN



Cover Photo: UN peacekeepers accompany the director of the human rights division of the UN Mission in South Sudan on a human rights assessment in Wau, April 19, 2017. Nektarios Markogiannis/UNMISS.

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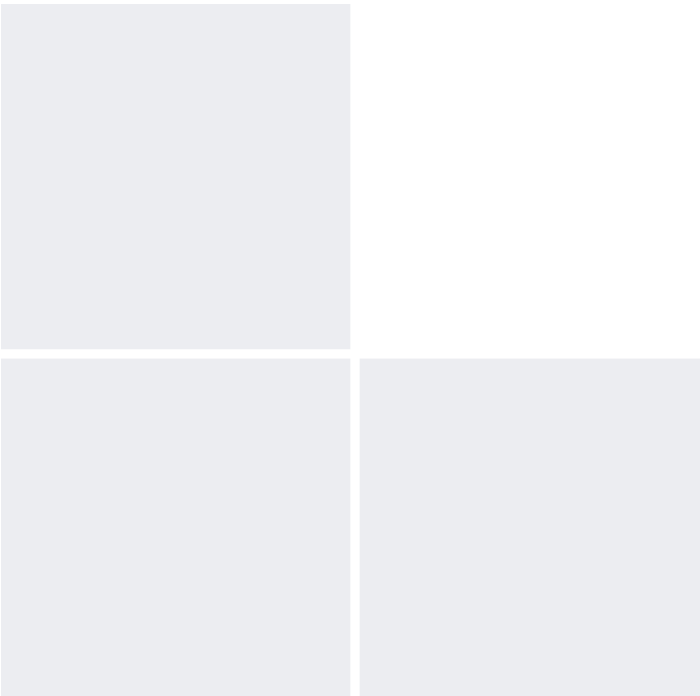
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ABBREVIATIONS

AAV	Assessment and advisory visit
AU	African Union
DPO	UN Department of Peace Operations
DPPA	UN Department of Political and Peacebuilding Affairs
ICRC	International Committee of the Red Cross
IHL	International humanitarian law
IHRL	International human rights law
ITS	UN Integrated Training Service
OHCHR	Office of the UN High Commissioner for Human Rights
OMA	UN Office of Military Affairs
PDV	Pre-deployment visit
POC	Protection of civilians
T/PCCs	Troop- and police-contributing countries

Executive Summary

The effectiveness of UN peace operations depends on the “operational readiness” of their personnel, which refers to the knowledge, expertise, training, equipment, and mindset needed to carry out mandated tasks. While the need to improve the operational readiness of peacekeepers has been increasingly recognized over the past few years, the concept of “human rights readiness” has received less attention. This refers to the extent to which consideration of human rights is integrated into the generation, operational configuration, and evaluation of uniformed personnel.

Many missions have an express mandate to promote and protect human rights, sometimes alongside a mandate to protect civilians. Beyond these mandates, all peace operations and all UN personnel are legally obligated to comply with human rights standards and international humanitarian and refugee law and to uphold UN human rights principles. While numerous policies and guidance documents reinforce the centrality of human rights to peacekeeping, the UN has tended to focus on the compliance of its partners rather than on the preparedness of its own personnel.

There are two areas where the UN could strengthen existing processes to ensure the human rights readiness of uniformed personnel. The first is in the force generation process. Troop- and police-contributing countries (T/PCCs) are requested to certify that the personnel they provide have not committed, or been alleged to have committed, criminal offenses or violations of international human rights or humanitarian law. However, this reliance on “self-certification” inherently limits accountability. To overcome this limitation, the UN has used an ad hoc process called “screening plus” to address human rights concerns in Sri Lanka and Burundi. Although this process is not used systematically, it has led the UN to take steps to bolster screening across T/PCCs. Nonetheless, robust screening remains constrained by limited capacity and resources, as well as political sensitivities.

The second main area where the UN seeks to improve human rights readiness is training. Awareness of international human rights and humanitarian law is a foundational element of

training for UN personnel, whether before deployment, during the in-mission induction, or on an ongoing basis during deployment. However, the quality of pre-deployment trainings varies widely among T/PCCs, and in-mission induction trainings are usually not well-tailored to specific missions. There is a widespread perception that existing training practices and methodologies are insufficient and fail to integrate the practical training needs identified on the ground. Moreover, pre-deployment training—let alone in-mission training—is often too late to introduce human rights principles.

Both T/PCCs and the UN could take tangible actions in the generation and training of peacekeepers to strengthen their human rights readiness:

- **Force generation:** The UN should make human rights performance an integral part of the operational readiness of T/PCCs. It should better assess human rights concerns and human rights readiness as criteria in the selection of T/PCCs and request that they align their human rights screening processes with UN standards. The UN could also integrate human rights readiness into requirements for contingent-owned equipment and require T/PCCs to deploy experts in human rights, the protection of civilians, or international law to accompany uniformed personnel. Finally, the secretary-general should propose the establishment of a UN human rights–screening entity with appropriate resources and capacities.
- **Training:** The UN should develop a human rights–specific course for military trainers, as it has for police trainers, and ensure that the new generic training-of-trainers course adequately addresses human rights and protection issues. The Office of the UN High Commissioner for Human Rights should also expand its capacity to train peacekeepers, and peacekeeping training centers should make greater use of external human rights experts. Member states should provide additional funding and capacity to allow for additional training, and T/PCCs should ensure that outgoing battalion leaders share lessons with incoming leaders.

Introduction

Following recent reforms aimed at improving the performance and accountability of UN peace operations, both the UN Secretariat and troop- and police-contributing countries (T/PCCs) are expected to strengthen the “operational readiness” of personnel deployed to the field.¹ This requires ensuring that peacekeepers have the requisite knowledge, expertise, training, equipment, and mindset to implement their mandate in accordance with UN principles, values, standards, and policies.

The operational readiness of uniformed personnel is critical to the effective delivery of mandated tasks authorized by Security Council resolutions.² The UN Department of Peacekeeping Operations and Department of Field Support therefore developed an Operational Readiness Assurance and Performance Improvement Policy, as well as related guidelines, in 2015.³ Since that policy, there has been a gradual recognition of the important role of human rights as part of overall performance. For example, as part of the Action for Peacekeeping Initiative’s “Declaration of Shared Commitments,” member states and the UN Secretariat reaffirmed that peacekeeping operations make an important contribution to protecting civilians and human rights. They also acknowledged the need to “support pre-deployment preparations of personnel and capabilities required for effective performance, and the existing human rights screening policy.” Member states further committed “to certifying that prospective personnel meet UN standards for service in UN peacekeeping operations.”⁴

This paper seeks to define the concept of “human rights readiness” for peacekeepers, which is intended to complement “operational readiness” to make peace operations more effective and fit-for-purpose. In the context of UN peace operations, “human rights readiness” is the extent to which personnel provided by T/PCCs are prepared and willing to cooperate with missions’ human rights components and proactively integrate human rights into planning and operations, including for the implementation of protection of civilians mandates.⁵ Building on existing UN policy frameworks, standards, and initiatives, it encompasses the obligations of these personnel to respect international humanitarian and human rights law when serving in a peace operation. It also includes their obligation under the UN Charter and UN policies to promote and advance human rights in their work and the support the UN provides to help them meet this obligation.

The human rights readiness of peacekeepers is ensured by both T/PCCs and the UN, which should support and assess that readiness by integrating human rights and humanitarian law into the generation, operational configuration, and evaluation of uniformed personnel. This includes incorporating this law into policies, standard operating procedures, and mechanisms that guide force generation and pre-deployment processes—notably with regard to training and equipment requirements and certification, screening, and selection processes. Human rights readiness also entails putting in place accountability mechanisms, both in law and in practice, to ensure that uniformed personnel comply with their human

1 The Secretariat is developing the Integrated Performance Policy Framework and rolling out the Comprehensive Performance Assessment System to systematically review the performance and impact of peace operations in different areas.

2 For example, Security Council Resolution 2436 “calls on the Secretary-General to continue his efforts to improve analytics and evaluation of mission operations through implementation of the Operational Readiness Assurance and Performance Improvement Policy and commensurate policies for police in peacekeeping missions.” UN Security Council Resolution 2436 (September 21, 2018), UN Doc. S/RES/2436. In 2018, the Special Committee on Peacekeeping Operations (C-34) also stated that it “supports the operational readiness assurance and performance improvement policy” of the Secretariat. UN General Assembly, *Report of the Special Committee on Peacekeeping Operations—2018 Substantive Session (New York, 12 February–9 March 2018)*, UN Doc. A/72/19, March 15, 2018.

3 UN Department of Peacekeeping Operations and UN Department of Field Support, *Operational Readiness Assurance and Performance Improvement*, December 2015. On January 1, 2019, the Department of Peacekeeping Operations was replaced by the Department of Peace Operations (DPO) and most of the functions of the Department of Field Support were integrated into a new Department of Operational Support (DOS).

4 Action for Peacekeeping, *Declaration of Shared Commitments on UN Peacekeeping Operations*, August 16, 2018.

5 During the review of the High-Level Independent Panel on Peace Operations, the Office of the High Commissioner for Human Rights (OHCHR) proposed the concept of “mission human rights readiness,” noting that “effective implementation of human rights mandates by peace operations relies on a number of factors, including: (i) compliance with the existing human rights policy framework; (ii) understanding by personnel of their human rights roles and responsibilities, and ability to fulfil them, including at senior mission leadership level; and (iii) in-mission mechanisms and procedures that support the implementation of such mandates. Missions’ readiness to implement human rights mandates is thus advanced for example by the adequate selection and preparation of personnel, both uniformed and civilian, and by the planning for and the establishment of appropriate procedures and mechanisms in line with human rights standards and policies.” OHCHR submission to the High-Level Independent Panel on Peace Operations, internal document.

rights obligations.⁶

This policy paper analyzes opportunities and gaps in human rights readiness. It explores ways to improve the human rights readiness of peacekeepers, including their preparedness, ability, capacity, and commitment to respect and promote human rights and integrate them into their work on the ground. A comprehensive human rights readiness framework would include mechanisms to integrate human rights considerations into the operational configuration and *modus operandi* of uniformed personnel before, during, and after their deployment. This policy paper starts the process of developing this framework by focusing on the steps required to prepare and deploy uniformed personnel through force generation, pre-deployment assessments, and training.

Human Rights in UN Peacekeeping

Human rights constitute a core function of UN peace operations, regardless of whether missions have an express human rights mandate. Most peace operations, including all multidimensional peacekeeping operations, have a mandate that includes promoting and protecting human rights through monitoring and investigation; analysis and reporting; capacity building for state institutions, including national human rights institutions, and civil society; early warning; protection of civilians (POC); and support to governments in combating impunity.

Human rights constitute a core function of UN peace operations, regardless of whether missions have an express human rights mandate.

Seven out of thirteen peace operations are also mandated to protect civilians, an objective that relies on integrated efforts by their military, police, and civilian components, including human rights sections. Out of these seven missions, five also have an explicit human rights mandate.⁷ In the context of peace operations, POC refers to protection from threats of physical violence. It is therefore closely linked to human rights work aimed at guaranteeing the right to life and physical integrity, and to the positive obligation to protect people from threats to their right to life and from ill-treatment, as established by human rights law.⁸

Protection of civilians is pursued through three tiers of work: dialogue and engagement, the provision of physical protection, and the establishment of a protective environment. Human rights activities undertaken as part of this work can include investigation and monitoring of abuse, sensitization to international humanitarian law (IHL), and the fight against impunity, all of which contribute to preventing and responding to threats of physical violence against civilians. The UN policy on POC is anchored in international law, describing POC mandates as “a manifestation of the international community’s determination to

prevent the most serious violations of international humanitarian law, international human rights law and international refugee law and related standards” that “must be implemented in both the letter and spirit of these legal frameworks.”⁹ Close coordination between human rights officers and military and police personnel therefore enables missions to use different types of expertise and their respective tools and compara-

6 To that end, the capacity, effectiveness, and independence of national military justice systems to pursue violations in their own ranks, as well as the existence of internal oversight mechanisms to monitor police being deployed outside of the country, are key to determining human rights readiness.

7 The Brahimi report also recognized that even without an explicit mandate, “United Nations peacekeepers—troops or police—who witness violence against civilians should be presumed to be authorized to stop it, within their means, in support of basic United Nations principles. However, operations given a broad and explicit mandate for civilian protection must be given the specific resources needed to carry out that mandate.” UN General Assembly and UN Security Council, *Comprehensive Review of the Whole Question of Peacekeeping Operations in All their Aspects*, UN Doc. A/53/305-S/2000/809, August 21, 2000.

8 The approach to POC in UN peacekeeping differs from the humanitarian community’s human rights-based approach to protection, which includes “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. HR law, IHL, refugee law).” Inter-Agency Standing Committee, “Policy on Protection of Internally Displaced Persons,” December 1999, p. 4. In UN peacekeeping operations, POC only refers to protection “from physical violence,” as defined in the DPO Policy on Protection of Civilians, and therefore focuses on the right to life and physical integrity. It is therefore narrower than the human-rights based approach which also includes the protection of socioeconomic rights, for example. In another sense, however, the peacekeeping approach to POC is also broader, as threats of physical violence do not need to amount to, or be qualified as, a “human rights violation” to be considered in a mission’s protection strategy.

9 UN DPO, *Policy: The Protection of Civilians in United Nations Peacekeeping*, November 2019.

tive advantages to maximize their mission's impact on POC.

Beyond the mission-specific mandates for POC and human rights, all UN peace operations and all UN personnel are legally obligated to comply with human rights standards and international humanitarian and refugee law and to uphold UN human rights principles when implementing their mandates.¹⁰ The UN's Capstone Doctrine established that "international human rights law is an integral part of the normative framework for United Nations peacekeeping operations" and affirms that "United Nations peacekeeping personnel—whether military, police or civilian—should... understand how the implementation of their tasks intersects with human rights."¹¹ UN policy documents have also consistently reiterated and elaborated on the centrality of human rights to peace operations.

A 2011 UN policy governs the integration of human rights into all peace operations, including special political missions and peacekeeping operations. The policy requires missions without human rights mandates to uphold and advance human rights standards and to avoid adversely affecting human rights through the implementation of their mandates. It defines the roles of different mission components and sections to advance human rights through their functions.¹² The Policy on Integrated Assessment and Planning from 2013 further recognizes that "all integrated assessment and planning processes should take

into account relevant UN policies, including on human rights."¹³ In 2013, the UN acknowledged its "responsibility to respect, promote and encourage respect for international humanitarian, human rights and refugee law" in its Human Rights Due Diligence Policy on UN Support to Non-UN Security Forces.¹⁴

The centrality of human rights to peacekeeping is further reinforced by component-specific guidance and requirements. Under the UN's Strategic Guidance Framework for International Policing, for example, police operations are guided by the obligation to protect and uphold human rights standards.¹⁵ The body of guidance developed by the Police Division of the Department of Peace Operations systematically refers to human rights and establishes that UN police should "promote, protect and respect human rights."¹⁶

Furthermore, the Policy on Human Rights Screening of UN Personnel states that all UN personnel have "a responsibility to ensure that human rights are promoted, respected, protected and advanced through, within and by their own organizational entity/unit."¹⁷ The UN seeks to pursue the highest standards of integrity in this regard and has developed numerous initiatives to make human rights a priority in all activities and operations.¹⁸ For example, as part of the memorandum of understanding between all T/PCCs and the UN, all peacekeeping personnel commit to "comply with the Guidelines on International Humanitarian Law for Forces

10 For an analysis of negative and positive human rights obligations of UN peacekeeping operations, see: Conor Foley, *UN Peacekeeping Operations and the Protection of Civilians: Saving Succeeding Generations* (New York: Cambridge University Press, 2017).

11 United Nations, *United Nations Peacekeeping Operations: Principles and Guidelines*, January 2008. However, as Conor Foley points out, "It is widely assumed within the UN system that when military force is being used for POC purposes, IHL will be the applicable body of law guiding its use" because the secretary-general issued a bulletin in 1999 stating that IHL was applicable to UN forces. Since then, however, no equivalent bulletin on the applicability of IHRL has been issued. Conor Foley, "Peacekeeping and Civilian Protection: An Interview with Conor Foley," Oxford Research Group, August 20, 2019.

12 "All UN entities have a responsibility to ensure that human rights are promoted and protected. As a key modality of UN action to contribute to peace and security, peace operations and political missions must fully incorporate human rights standards and principles.... UN peace operations and political missions personnel—whether military, police or civilian—shall be familiar with the peace operation or political mission's human rights mandate. They shall collaborate with the human rights component and others mandated with specific and inter-related human rights tasks, such as justice, child protection and gender components." UN OHCHR, Department of Peacekeeping Operations (DPKO), Department of Political Affairs (DPA), and Department of Field Support (DFS), *Human Rights in United Nations Peace Operations and Political Missions*, September 2011.

13 United Nations, *Policy on Integrated Assessment and Planning*, April 2013.

14 UN General Assembly and UN Security Council, *Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces*, UN Doc. A/67/775-S/2013/110, March 5, 2013.

15 The Strategic Guidance Framework for International Police Peacekeeping is intended to set a standard for police peacekeeping, including capacity building, command, and day-to-day operations, across all countries, regardless of national approaches to policing. UN DPKO and DFS, *Police Operations in United Nations Peacekeeping Operations and Special Political Missions*, January 2016.

16 See, for example, UN DPKO and DFS, *Guidelines: The Role of United Nations Police in Protection of Civilians*, August 2017.

17 United Nations, *Human Rights Screening of United Nations Personnel*, December 2012.

18 "The United Nations is committed to the highest standards of efficiency, competence and integrity for all its personnel.... The United Nations' reputation and integrity as an Organization committed to international peace and security, as well as the respect for human rights, is central to delivering its mandates." Ibid.

Undertaking United Nations Peacekeeping Operations and the applicable portions of the Universal Declaration of Human Rights as the fundamental basis of our standards.”¹⁹

To manage reputational risk, the UN has also undertaken several initiatives to ensure that it does not become complicit in violations. Its Human Rights Due Diligence Policy prohibits UN support to non-UN actors likely to commit grave human rights violations. More recently, the UN created mechanisms to integrate human rights into the operations of partner regional forces, such as the human rights compliance framework for the G5 Sahel Joint Force.²⁰ In a joint declaration in December 2018, the African Union (AU) and UN also recognized “the importance of the AU-UN partnership and [their] joint efforts to continuously enhance the AU Compliance Framework” by putting in place measures and mechanisms to prevent and address human rights violations in AU-led peace and security operations.²¹

To complement these initiatives aiming at ensuring that non-UN partners are complying with human rights standards, the UN Secretariat now has to demonstrate that human rights are also an essential component of the selection and evaluation of its own personnel. The ambiguity around the UN’s standards for the human rights screening and vetting process for peacekeepers is particularly striking. This ambiguity seems to contradict measures requiring UN peacekeeping operations themselves to uphold the Human Rights Due Diligence Policy and to refrain from supporting non-UN forces that would not meet the criteria it lays out. Catching up peacekeeping operations to the standards the UN applies to partners but not to its own personnel is urgently needed to ensure the credibility of UN peacekeeping. To that end, the UN Secretariat has initiated efforts to integrate

human rights into all UN activities, including the generation, screening, and training of uniformed peacekeeping personnel.²²

Factoring Human Rights Readiness into Force Generation

In his report on the implementation of the recommendations of the High-Level Independent Panel on Peace Operations, the secretary-general pointed out that “it is essential that United Nations personnel, both civilian and military, conduct themselves in a manner consistent with our values” and that the “human rights record and performance of contributing countries is an integral part of this.”²³ In line with this, human rights are considered as part of the force generation process, from screening to the selection of personnel.

Many efforts have been undertaken to make sure that peacekeepers being deployed have not committed human rights violations. However, the current system mainly focuses on screening out perpetrators through formal policies and processes rather than favoring candidates who have demonstrated their readiness to promote and protect human rights.

The Limitations of Self-Certification

Since 2012, the UN Policy on Human Rights Screening of UN Personnel has applied to the selection, appointment, recruitment, contracting, and deployment of all types of UN personnel, including staff and non-staff and uniformed and civilian personnel.²⁴ The policy outlines the principles and methodologies for the UN to use when it

19 UN General Assembly, *Manual on Policies and Procedures Concerning the Reimbursement and Control of Contingent Owned Equipment of Troop/Police Contributors Participating in Peacekeeping Missions*, UN Doc. A/72/288, August 4, 2017.

20 UN General Assembly and UN Security Council, *Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces*, UN Doc. A/67/775-S/2013/110, March 5, 2013.

21 UN Secretary-General, “Note to Correspondents: Joint Declaration of the Chairperson of the African Union Commission and the Secretary-General of the United Nations,” December 6, 2018.

22 For example, the Human Rights Up Front initiative launched by the secretary-general in 2016 was a step in the right direction.

23 UN General Assembly and UN Security Council, *The Future of United Nations Peace Operations: Implementation of the Recommendations of the High-Level Independent Panel on Peace Operations—Report of the Secretary-General*, UN Doc. A/67/775-S/2013/110, September 2, 2015.

24 United Nations, *Human Rights Screening of United Nations Personnel*, December 2012.

conducts human rights screening of personnel to ensure that they have not committed, or been alleged to have committed, criminal offenses or violations of international human rights law (IHRL) or international humanitarian law (IHL). It establishes three processes: pre-deployment screening by member states, self-attestation by individual personnel, and the exchange of information within the UN Secretariat on the human rights-related conduct of potential personnel.

In this vein, T/PCCs are requested to screen the personnel they nominate or provide by certifying that they have not committed, or been alleged to have committed, criminal offenses or violations of IHRL or IHL. As a second layer of screening, individuals are also requested to attest that they have not committed, or been alleged to have committed, such crimes or violations. This system is therefore based on “self-certification” by member states and individuals, which inherently limits accountability. The UN does not systematically assess whether T/PCCs have established a domestic screening mechanism that could carry out this certification in an effective and independent way. In most cases, it appears to be a mere formality in the bureaucratic steps a government goes through in a nomination or force generation process or that an individual fulfills during his or her recruitment. This signed declaration based on an assumption of good faith ends up being the only evidence provided to the UN.

In the case of the rapid “re-hatting” of AU troops as UN peacekeepers, the systemic deficiencies of self-certification have been particularly problematic. According to the UN’s Office of Internal Oversight Services, the UN did not fully follow the Human Rights Due Diligence Policy while supporting AU forces in Mali and the Central African Republic: its screening was overly reliant on self-certification despite risk assessments indicating the need for a higher degree of scrutiny; the self-certification itself was not systematic; and there was a lack of clarity

within the Secretariat on who was responsible for ensuring the application of the screening policy.²⁵

Screening Plus: Beyond Self-Certification

The UN’s policy on human rights screening only covers individuals and generally does not consider the reputation of a country’s armed forces. In recent practice, however, the UN has sought to expand the screening process beyond individuals and self-certification. The UN recently used an ad hoc process called “screening plus” for Sri Lanka and Burundi.²⁶ In both countries, large-scale human rights violations perpetrated by state actors were publicly documented by the UN, NGOs, and the media, raising concerns about deploying peacekeepers who might have been involved. At the same time, the UN was facing a growing need for peacekeepers following the creation of missions in the Central African Republic and Mali, coupled with a limited number of troop-contributing countries willing to deploy to these challenging theaters. In this context, the UN Secretariat sought to establish special procedures that would enable both countries to continue to participate in peacekeeping in a way that upheld the UN’s human rights standards.

In Sri Lanka, enhanced screening measures were put in place after the UN and other actors documented serious violations of IHRL and IHL committed by the armed forces during the 1983–2009 conflict.²⁷ The UN Secretariat reviewed extensive information on these human rights abuses, which was made available through special investigations and panels. In 2015, the high commissioner for human rights recommended that the UN system and member states “apply stringent vetting procedures to Sri Lankan police and military personnel identified for peacekeeping, military exchanges and training programmes.”²⁸ Such measures included the establishment of a domestic screening process consistent with UN

25 UN Office of Internal Oversight Services, “Evaluation of Re-hatting in the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA),” February 2018.

26 Thalif Deen, “UN Cracks Down on Peacekeeping Troops over Human Rights Abuses, *Inter Press Service News Agency*, April 13, 2018.

27 OHCHR, *OHCHR Investigation on Sri Lanka*, UN Doc. A/HRC/25/1, March 2014.

28 UN Human Rights Council, *Comprehensive Report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka*, UN Doc. A/HRC/30/61, September 28, 2015.

standards.²⁹ This effort was facilitated by the timing of the exercise at a moment of transition for the country, which created space to create new procedures.

In Burundi, additional screening measures were triggered after allegations against Burundian peacekeepers became public in 2016. Unlike in Sri Lanka, there was a lack of information in Burundi due to limited access for UN teams to investigate and little space for civil society actors. In this case, the “screening plus” process did not involve the establishment of new screening procedures at the domestic level but did have an impact on rotation decisions on a mission-by-mission basis. A senior UN spokesman announced at the time that the UN would not accept more Burundian police as peacekeepers in the Central African Republic after the 280-person contingent had finished its tour, “given the current allegations of serious and ongoing human rights violations in Burundi.”³⁰ However, the UN did not remove other Burundian contingents in the Central African Republic.

The UN still lacks a systematic process to thoroughly assess and mitigate human rights concerns for all troop- and police-contributing countries, which could be a liability for the organization.

The UN put in place the “screening plus” measures specifically to address deployments from Sri Lanka and Burundi. However, the organization still lacks a systematic process to thoroughly assess and mitigate human rights concerns for all T/PCCs, which could be a liability for the UN.

Limited Resources for Screening

Although the “screening plus” process is not systematically applied across all T/PCCs, it has

influenced force generation and selection practices within the Department of Peace Operations (DPO). Human rights screening is the responsibility of the UN entities that recruit for peace operations, such as DPO and the Department for Political and Peacebuilding Affairs (DPPA). These entities can also request other UN departments and services to assist them and share relevant information with them before they make a final decision.

Beyond self-certification, additional screening can include research and cursory background checks to assess the human rights records of candidates for UN service prior to their selection and deployment. According to the UN’s policy on human rights screening, the UN Secretariat also has to establish information-exchange mechanisms such as focal

points and procedures to support the exchange of information on the prior human rights conduct of candidates and nominees to UN positions.³¹

In practice, DPO has engaged in due-diligence processes during the force generation and police-selection phases. For example, countries listed

by the secretary-general as having committed grave human rights violations against children in situations of armed conflict or as having perpetrated conflict-related sexual violence cannot provide military and police peacekeepers.³² Human rights are also considered in the background assessment conducted by the Office of Military Affairs (OMA) and the Police Division on prospective T/PCCs. OMA, for example, can engage with the Office of the UN High Commissioner for Human

29 Under this arrangement, the Sri Lankan government had to attest that contingents deployed had not been involved in any human rights violations and that the Sri Lankan Human Rights Commission would undertake human rights screening for all the personnel to be deployed. When the UN Secretariat learned that this screening had not been completed before the rotation of a unit in the UN Interim Force in Lebanon had started, it halted the deployment. It then required that the screening arrangements be formalized with the national human rights commission before it would accept future deployments in order to ensure the integrity and objectivity of the vetting process. Sri Lanka was the first country that was required to vet military personnel for peacekeeping operations through a national human rights commission.

30 Kevin Sieff, “U.N. Discovers That Some Peacekeepers Have Disturbing Pasts,” *Washington Post*, December 26, 2016.

31 According to the screening policy, “This mechanism is expected to assist those within the Secretariat involved in selection, appointment, recruitment, deployment and contracting in their information collection and assessment by providing available relevant information on individuals being screened, including upon request and as able within existing resources and capacities.” United Nations, *Human Rights Screening of United Nations Personnel*, December 2012, para 7.1.

32 The secretary-general’s reports on children in armed conflicts include a list of parties that, in violation of international law, have engaged in the recruitment and use of children, the killing and maiming of children, rape and other forms of sexual violence against children, attacks on schools or hospitals, attacks or threats of attacks against protected personnel, or the abduction of children. The secretary-general’s reports on conflict-related sexual violence also list parties that are credibly suspected of having committed or of being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Security Council agenda.

Rights (OHCHR), DPPA, the special representatives of the secretary-general on children and armed conflicts and on sexual violence in conflict, resident coordinators, UN Development Programme country offices, or peacekeeping operations to gather contextual information on a contributing country, identify potential issues, and gauge the necessary scope of mitigation measures.³³ The Police Division has also established “background integrity,” which refers to conduct prior to a UN deployment or on a previous UN assignment, as one of the operational-capability requirements for the selection of individual police officers.³⁴

Through the “screening plus” framework, some entities, such as OMA’s Force Generation Service and the UN Police Division, have occasionally provided OHCHR with lists of units and individuals to be deployed to peace operations, but this has not been systematic.³⁵ When OHCHR does receive these lists, it can use them to review available human rights information both through its own databases and reporting, and through sources from non-UN human rights organizations.

OHCHR’s capacities and resources to carry out screening are limited, however. The “screening plus” experience in Sri Lanka demonstrated that the UN is not equipped to conduct a thorough, exhaustive review of a country’s armed forces. The UN has more information on the conduct of military and police personnel in countries where it is regularly monitoring human rights on the

ground or where it has a peace operation or OHCHR office. But for countries where human rights monitoring is weaker, there is insufficient information, and screening is often limited to a few sources from NGOs, other civil society organizations, or academia.

As of the end of 2019, there was still no entity conducting human rights screening for the UN system, despite calls to professionalize peacekeeping and ensure that personnel adhere to the highest standards of conduct and performance.³⁶ In 2016, an internal review of the screening policy identified this gap. More recently, the Committee Against Torture recommended advanced screening measures, such as the establishment of “an independent vetting procedure, with appropriate guidance from the United Nations, for all military and police personnel proposed for deployment on United Nations peace missions and ensure that no person or unit implicated in the commission of torture, extrajudicial killing, disappearances or other serious human rights violations is selected for service.”³⁷ Some UN Secretariat officials have been advocating for the creation of a screening entity in OHCHR that would have properly skilled staff and draw on expertise from other relevant departments and entities.³⁸ But despite its attempts to secure resources, OHCHR currently has no dedicated capacity for screening.³⁹

The UN’s screening policy covers all categories of personnel. Due to limited means, however, the UN

33 For example, DPO can scrutinize the particular behavior of a country’s police and decide on the scope of mitigation measures on a case-by-case basis.

34 “An FPU member who has been convicted of, or is currently under investigation or being prosecuted for, any criminal or disciplinary offence, or who has been involved, by act or omission, in the commission of any violation of international human rights law or international humanitarian law, is disqualified from service with a peace operation.... An FPU member who has been involved in serious misconduct in a previous United Nations assignment including in an incident of sexual exploitation and abuse and/or [sexual and gender-based violence] will be disqualified from future service with a peace operation.” UN DPKO and DFS, *Assessment of Operational Capability of Formed Police Units for Service in United Nations Peacekeeping Operations and Special Political Missions*, April 2017.

35 Since May 2016, the UN has vetted all the members of its military contingents and formed police units for prior misconduct while in the service of UN field missions. In addition, upon deployment or rotation of their personnel, T/PCCs have been required to certify that no individual being deployed or rotated has committed, or been alleged to have committed, violations of IHRL or IHL, or been repatriated on disciplinary grounds and barred from participation in future UN operations. Before this change, the UN was using a similar process to vet individually recruited military personnel, police, corrections officers, United Nations Volunteers, individually hired contractors and consultants, as well as international and national staff for prior misconduct while in the service of UN field missions.

36 UN Security Council, “Security Council Stresses Need to Improve Behaviour, Leadership, Accountability in Peacekeeping, Unanimously Adopting Resolution 2436 (2018),” UN Doc. SC/13518, September 21, 2018.

37 Committee Against Torture, *Concluding Observations on the Initial Report of Bangladesh*, UN Doc. CAT/C/BGD/CO/1, August 26, 2019.

38 Such a format was described as a better option in comparison with the loose information-sharing structure recommended by the policy in 2012, which never materialized. Phone interview with UN official, October 2019.

39 According to UN spokesperson Farhan Haq, the United Nations “does not have dedicated resources to carry out human rights screening of individual contingent members, nor [does it] have the means to assess the records of individuals.” Sieff, “U.N. Discovers that Some Peacekeepers Have Disturbing Pasts.” OHCHR has sought resources to create a post through the Support Account for Peacekeeping Operations. One “general temporary assistance” post was granted in 2016 but discontinued by the UN General Assembly after one year. Attempts to obtain approval for resources from this budget in 2019 were unsuccessful. See UN General Assembly, *Budget for the Support Account for Peacekeeping Operations for the Period from 1 July 2019 to 30 June 2020—Report of the Secretary-General*, UN Doc. A/73/793, March 11, 2019, para. 528; and UN General Assembly Resolution 73/308 (July 3, 2019), UN Doc. A/Res/73/308, July 19, 2019.

has prioritized senior appointments (usually D2 level and above) for the proactive part of the screening process, namely the background research that complements self-certification. While this practice does not exclude the screening of others, such as contingent commanders, such a decision would depend on the capacity of OHCHR teams and the specific position being considered. Proactive screening is consequently generally limited to commanding officers and cannot be systematic for every soldier, especially in the context of rapid rotation cycles in UN peace operations.⁴⁰

The challenge of reviewing all personal history profiles provided by candidates is compounded by the difficulty of ensuring that the information provided by individuals is correct. The proposed information-exchange mechanisms have failed to materialize, and there is no updated, reliable, and comprehensive database of screened personnel. Beyond lists and databases, physical verification that the units and officers that T/PCCs declare to the UN are the ones they actually deploy is also beyond reach.⁴¹

The general screening process based on an assessment of the operational readiness of T/PCCs also entails vetting of conduct and discipline, including sexual exploitation and abuse. This process is led by the Conduct and Discipline Service of the Department of Management Strategy, Policy and Compliance.⁴² A database recording all allegations of misconduct has been established and is connected to the systems used to select and deploy UN personnel. Individually deployed personnel such as individual police officers and individual military officers have their names checked in the system before being selected and deployed. For

police and military units, the verification is done in the field during the check-in process, and contributing countries have an obligation to repatriate personnel at their own cost if they are found to have a prior record of misconduct.⁴³

However, as recognized by UN officials, the comparison between vetting for conduct and discipline and vetting for human rights has its limits. A database based on the misconduct tracking system would not necessarily be effective for human rights screening. Indeed, for conduct and discipline issues, the UN monitors its own personnel during their service and is responsible for the implementation of its own policies. It can rely on its own records and information, which constitute a well-defined universe of information and data that the UN “holds, reports, and is accountable for.”⁴⁴ However, a thorough human rights screening cannot be limited to the human rights conduct of personnel during their UN service. Instead, this would require an open, extensive, and labor-intensive process to assess individuals who may have never served for the UN, based on sources that are different for each individual.

Pre-deployment Visits and Mitigation Measures

Beyond the desk review and analysis of internal and external information, the force generation process also entails visits to contributing countries, such as the assessment and advisory visits (AAVs), the (optional) operational advisory visits, and the pre-deployment visits (PDVs). These visits are intended to ensure the operational readiness of individual military units deployed in UN peacekeeping operations.⁴⁵ AAVs are conducted

40 The UN has screened senior police officers (and, in some cases, lower-level officers), but not in a systematic way. The G5 Sahel compliance framework provides for a human rights review of the lists of officers and units.

41 The UN Secretariat has little capacity to check that the soldiers deployed are the ones whose names were provided by the contributing country. As recognized by a UN official, “We don’t have visibility on who is in the unit.” Interview with UN official, New York, October 2019.

42 Not all instances of sexual exploitation and abuse pertain to sexual violence, but when they do, they are treated as a human rights issue as well.

43 This on-arrival verification has been identified as the most effective and accurate method, as individuals composing the unit can be changed by contributing countries late in the process. In particular cases, however, DPO can ask the Conduct and Discipline Service to review the deployment of units manually earlier in the process. Personnel cannot be deployed if they have records of allegations that have been substantiated or are still being investigated. Interview with UN officials, New York, October 2019.

44 Interview with UN official, New York, October 2019.

45 See the 2015 Policy on Operational Readiness Assurance and Performance Improvement. It is “designed to improve the performance of deployed military units by ensuring a holistic approach by all stakeholders” across the shaping, preparation, delivery, and learning stages. Human rights are referenced as one of the parameters under each stage, as well as under the example of a TCC certificate (related to the government’s responsibility to screen personnel and certify that none of the members of the unit have been involved in any violation of IHRL or IHL). UN DPKO and DFS, *Operational Readiness Assurance and Performance Improvement*, January 2016.

before units are formed and focus on verifying a country's readiness to contribute to peace operations in terms of training and unit-sustainment capabilities. In addition to soldiering abilities, conduct and discipline, including sexual exploitation and abuse, can be part of this assessment.⁴⁶ PDVs for military units, which are led by OMA's Force Generation Service and include representatives from the Integrated Training Service and the Department of Operational Support's contingent-owned equipment team, aim to verify the country's capacities and assess its ability to contribute. Most recently, "enhanced" PDVs have encompassed the validation of military skills, including for the protection of civilians.⁴⁷ To guide these assessments, OMA is currently reviewing "tasks, conditions and standards" related to POC for infantry units in accordance with the recently revised UN Infantry Battalion Manual.⁴⁸

Remarkably, OHCHR was not part of the discussions regarding the establishment of an operational readiness framework for T/PCCs. Although human rights are mentioned as one of the parameters of the operational readiness of military units, no human rights expert systematically takes part in these advisory and pre-deployment visits.⁴⁹ The visits often focus on training and equipment requirements and amount to box-ticking exercises to formally recognize the processes that T/PCCs have established to comply with operational readiness standards, as defined in the UN's policy. Therefore, they are not necessarily meant to evaluate human rights readiness beyond verifying the existence of a basic training module on human rights during the pre-deployment training.

If an in-mission performance evaluation reveals gaps in human rights for a specific unit during its

deployment in a peacekeeping mission, this can, in theory, be included in the next pre-deployment visit and be the object of discussions with the contributing country. In practice, however, the extent to which human rights readiness is considered a critical issue during these assessments remains to be seen.

As recognized by UN officials, human rights "remains a sensitive issue" and there is no clear guidance on how to engage T/PCCs on this, beyond the standard language that appears in notes verbales and self-attestation requirements.⁵⁰ There is also a strong sense within force generation services that requirements for TCCs, including substantial training and the provision of many documents, are already overly burdensome. As a result, appetite for another framework on human rights readiness remains limited. Moreover, POC considerations have only recently been expanded in the force and sector commanders' evaluation of units. For some interlocutors, singling out human rights on top of POC is perceived as unnecessary.⁵¹

There also seems to be an implicit recognition within the UN that units from many T/PCCs would be found to have problematic human rights records and that a strict human rights screening system would thus hamper the deployment of troops to UN peace operations. The benefit or risk of barring a given country from participating in peacekeeping for human rights reasons, and the uncertain effect this might have on the human rights situation in that country, is being debated internally. On the military side, there is also a tendency to prioritize the performance of troops in assessments for force generation rather than human rights considerations, due to the limited pool of available T/PCCs.

46 AAVs in particular provide an opportunity to check that mechanisms are in place to prevent and properly respond to allegations of sexual exploitation and abuse, including the UN's zero-tolerance policies and disciplinary measures.

47 This includes the way military units undertake patrols and their readiness to engage with communities.

48 The UN Infantry Battalion Manual highlights UN operational standards for tasks undertaken by UN infantry battalions, including tasks related to human rights. It provides TCCs "with guidance on how to train [and] equip units deploying to UN peacekeeping missions," as well as providing "battalion commanders and staff, company commanders, platoon commanders and sub-unit leaders in UN peacekeeping with a reference to effectively plan and conduct operations and tasks in support of a UN mandate." UN DPO, *United Nations Infantry Battalion Manual (UNIBAM) Second Edition*, January 2020.

49 Human rights officers were only invited on a few occasions. Interview with UN official, New York, October 2019; phone interview with UN official, October 2019.

50 Interview with UN officials, May 2019.

51 Interview with UN officials, New York, March 2019.

Shaping the Human Rights Readiness of Peacekeepers: Training Requirements

Awareness of international human rights and humanitarian law is a foundational element of training for all peacekeeping personnel. Training for uniformed personnel consists of pre-deployment training, in-mission induction, and ongoing training during deployment. In principle, all member states should be integrating awareness of IHL and IHRL into the basic training of their military forces. This integration of international law into military instruction is an obligation under the Geneva Convention, albeit one that states have discretion in how to implement.⁵²

Human Rights in Pre-Deployment Training: A National Responsibility

Member states are responsible for the pre-deployment training of military and police personnel set to deploy to UN peacekeeping operations.⁵³ To assist T/PCCs, DPO's Integrated Training Service (ITS) developed and regularly updates standardized training materials, drawing on substantive expertise from across the UN system, including from OHCHR. ITS also supports member states in delivering trainings in two ways: through mobile training teams, which enhance national training capacities, and through training-of-trainers courses for T/PCC instructors who provide pre-deployment training to national uniformed personnel. In training modules that include content on human rights, OHCHR training experts are now frequently involved in both types of training, subject to OHCHR's capacity limits.

The UN's core pre-deployment training materials provide a common foundation for all military and police personnel to understand the UN's peacekeeping principles, guidance, and policies.⁵⁴ These training materials encompass generic,

specialized, and mission-specific elements.⁵⁵ They also include modules on the legal framework for UN peacekeeping, such as an overview of IHRL and IHL; the duties of UN peacekeeping personnel to promote and protect human rights; and mandated tasks pertaining to human rights, including women's and children's rights, and the protection of civilians in UN peacekeeping operations. In 2017, ITS updated the training materials to include crosscutting themes and priorities on human rights, the protection of civilians, conflict-related sexual violence, child protection, and sexual exploitation and abuse.

Because pre-deployment training is administered by member states' trainers through national or regional training centers, instruction on human rights varies. The quality of this instruction depends, in part, on how well the trainers have absorbed these legal concepts during the training-of-trainers courses and are able to link law and policy to the operational realities on the ground. However, these trainers are usually not human rights experts, and even if they are, they usually lack peacekeeping experience. Furthermore, there is a tendency for trainers to focus on the delivery of PowerPoints and to neglect scenario-based exercises and interactive elements during trainings. This is partly because when units are selected for rotation into a mission, pre-deployment training is often compressed due to tight timelines. The shortened duration of these courses does not usually leave enough time for trainers to provide more in-depth instruction or use scenario-based exercises.

To help address this problem, OHCHR has recently developed a human rights-specific course for police trainers under the UN's Standing Police Capacity. This course provides more in-depth instruction on human rights and the protection dimensions of all existing UN pre-deployment training materials. This additional instruction is intended to provide national trainers with the background and understanding needed to better

⁵² Elizabeth Stubbins Bates, "Towards Effective Military Training in International Humanitarian Law," *International Review of the Red Cross*, no. 895/896 (2015).

⁵³ UN General Assembly Resolution 49/37 (February 9, 1995), UN Doc. A/RES/49/37.

⁵⁴ United Nations, *Core Pre-deployment Training Materials for United Nations Peacekeeping Operations*, 2017.

⁵⁵ These elements can encompass the overall political and security situation, the current and future role of the military and police components of the mission, and any special training materials needed or requested by the T/PCCs.

instruct member states' police personnel during pre-deployment training. At present, there is no equivalent course for military trainers, though OHCHR has indicated that it intends to commence such courses subject to the necessary capacity and funding being secured in 2020.⁵⁶

The UN currently has a limited ability to verify the quality of pre-deployment training provided by T/PCCs or to ensure that personnel deploying to peacekeeping missions have the requisite understanding of IHRL and IHL. Although the UN conducts pre-deployment assessment visits, these visits generally do not test a unit's human rights competency. Before officially recognizing a course, DPO's ITS also assesses and certifies the national training provider's capacity to deliver it. This recognition is valid for up to four years, after which reassessment is required. However, the recognition requirements are widely perceived as not being stringent enough, and there is no continuous reassessment or monitoring of courses once they have been recognized.

OHCHR does not typically participate in these assessment or training-recognition visits due to capacity and budgetary limitations. The office currently has only one staff member dedicated to providing human rights advice to ITS on the content of all the training modules delivered to uniformed personnel deployed in peacekeeping missions. This staff member needs to divide time between advising on the content of training modules and participating as a trainer in mobile training teams and training-of-trainers courses, UN leadership training courses, and bilateral peacekeeping training support courses.

In the field, leaders, managers, and commanders are responsible for knowing UN policies on human rights in peacekeeping and for translating this knowledge into operational guidance. They are likewise responsible for setting the expectations of personnel under their command, ensuring they comply with UN policies, and ensuring they can recognize human rights violations and abuses. In

this context, the International Committee of the Red Cross (ICRC) has noted that "commitment [to following IHL and IHRL] at the highest level of command is therefore necessary. ... [Leaders] must send a strong, formal signal to all subordinate levels, setting compliance with the law as a clear priority."⁵⁷

To ensure that they have an appropriate understanding of UN policies on human rights in peacekeeping, DPO delivers trainings to mission leaders, including police commissioners, force commanders, and their deputies. Once appointed, force commanders must take part in a week-long intensive orientation course, with a very short OHCHR-delivered human rights module and short briefings on POC by DPO and on IHL by the ICRC. By contrast, the recently developed UN Police Commanders Course is being delivered with extensive involvement from OHCHR and thus prominently features human rights-related issues.⁵⁸ All senior mission leaders are also required to participate in the Senior Leadership Programme within six months of deployment. This program includes training modules and exercises, including an OHCHR-delivered human rights module and scenario-based exercises. However, such personnel have often been deployed for several months before the training course is available.⁵⁹

Battalion commanders of formed police units and individually deployed personnel (e.g., force staff officers, military observers, and individual police officers) complete additional pre-deployment training. This additional training includes function- and subject-specific courses based on specialized thematic materials, which are also tailored to mission-specific contexts. Like the core pre-deployment training materials, specialized thematic materials are developed and rolled out by the UN, while trainings are provided by member-state trainers. These materials include instruction in integrated POC, child protection, prevention of conflict-related sexual violence, and investigation and prevention of sexual and gender-based

⁵⁶ Phone interview with OHCHR official, October 2019.

⁵⁷ International Committee of the Red Cross (ICRC), "Integrating the Law," May 2007, p. 20.

⁵⁸ Within this week-long training course, the human rights component delivered by OHCHR typically lasts for around forty-five minutes.

⁵⁹ For an overview of issues related to senior mission leadership, see: Kevin S. Kennedy and Laura Powers, "Senior Leadership Training in UN Peace Operations," International Peace Institute, February 2019.

violence.⁶⁰ Despite OHCHR's efforts to mainstream human rights across all trainings, there is no stand-alone specialized thematic material on human rights. There are concerns that such stand-alone materials could reinforce perceptions that upholding human rights is the responsibility of the human rights section of a mission rather than of the mission as a whole.⁶¹ Instead, human rights standards and related good practices have been mainstreamed into different training sessions and scenario-based command-post exercises through UN-provided training materials.

Human Rights in In-Mission Training

Upon their arrival to a mission, all UN peacekeeping personnel—uniformed and civilian—are required to participate in a two- to three-day mission-specific induction training. During this training, the mission's human rights component explains the nature of human rights violations in the country, the mission's mandated tasks related to human rights, and expectations for how uniformed personnel can support these objectives.

This induction training consists of a marathon of short presentations, based on standardized PowerPoint slides, often delivered by staff who are not professional trainers.⁶² The courses are not well-tailored to specific needs and challenges faced by peace operations, though some missions have independently taken steps to reform the induction training and improve the quality of the briefings.⁶³ As a more systematic fix, OHCHR and the Standing Police Capacity have developed an in-mission human rights training course that is delivered to police officers serving in missions. Even though it is taught as a training-of-trainers course, it has only been able to reach a small

number of the 10,000 UN police serving in the field. Efforts to expand this initiative have been hindered by capacity and budgetary constraints.

The UN also provides mission-specific training to maintain or enhance specific capabilities and skills during deployment.⁶⁴ Such training includes “on-the-job” and “refresher” training to address gaps in knowledge or to enhance skills.⁶⁵ However, because of competing priorities (e.g., medical training or counter-improvised-explosive-devices training) and the difficulty of pulling personnel out of their operational roles for training, there is little space for dedicated, ongoing training on human rights in-mission.

Gaps in the Delivery of Pre-Deployment and In-Mission Training

In the current peacekeeping training regime, much of the focus remains on the normative framework rather than on how to operationally support human rights in missions. The sensitization of uniformed personnel to human rights is often limited to a presentation of human rights norms and legal frameworks. There are only rare opportunities to expand on this sensitization by providing training on how military personnel should integrate human rights into their planning and operations and work with their human rights colleagues in the mission. Without this training, there is a risk that some military personnel could see all human rights issues as the responsibility of human rights sections, diminishing their own sense of responsibility for human rights. This suggests a disconnect between the normative framework on which peacekeeping is based and human rights-related mandated tasks carried out by the mission, as well as between POC and human rights.⁶⁶

60 Reflecting the additional responsibilities of senior leaders and commanders, ITS runs dedicated courses for mission leadership (i.e., the special representatives and deputy special representatives of the secretary-general, the force commander and deputy force commander, and the police commissioner), with the participation of OHCHR, which administers the human rights-specific portions of the training.

61 Phone interview with OHCHR official, October 2019.

62 UN ITS, “Protection of Civilians: Training Peacekeepers Serving to Protect, Training Needs Assessment,” 2017.

63 Ibid., p. 19.

64 See existing in-mission human rights training by human rights components, integrated mission training centers (IMTCs), police training cells, and military U7 and G7 sections. The sector commander is often the lowest level of military officer to be trained. However, this training is also not systematic and regular in peace operations.

65 United Nations, “Peacekeeping Resource Hub: On-going Training,” available at <http://research.un.org/en/peacekeeping-community/mission>.

66 The normative framework ranges from peacekeeping doctrine in the UN Charter to specific policies and guidelines.

Several of the UN's own training and human rights staff have acknowledged that existing training practices and methodologies are insufficient, providing uniformed personnel with only a cursory understanding of how IHRL and IHL translate into operational considerations.⁶⁷ Current training does not provide personnel with adequate knowledge of applicable laws, norms, and policies, nor does it provide guidance on how uniformed personnel should work with their human rights colleagues. In short, it fails to translate human rights knowledge into daily practice.⁶⁸ As the ICRC has noted, "Adding a few hours on IHL and/or IHRL to the existing training programme without modifying its content is far from effective."⁶⁹

Instead, these experts argue that understanding human rights in the context of peacekeeping, and more broadly of POC, requires that it be incorporated into broader training provided by member states to all their military and police, particularly to command and staff officers. Pre-deployment training is too late to introduce human rights principles and legal concepts to peacekeepers, when much of the focus is often still on ensuring basic soldiering skills.⁷⁰ According to the ICRC, "Historical reflection and social psychology show that the aims of basic training (desensitization, breaking down a soldier's inculcated reluctance to kill, unit cohesion and obedience to the command chain) are antagonistic to many of the aims of IHL training."⁷¹ A similar argument can be made for IHRL. IHL and IHRL training needs to be meaningfully integrated into general military and police academy curricula, which is not the standard for a lot of major T/PCCs. This could help personnel develop the correct reflexes through

Existing training practices and methodologies provide uniformed personnel with only a cursory understanding of how international human rights and humanitarian law translate into operational considerations.

repeated exposure and practice.

Conclusion

Since first included in the 1991 mandate of the UN Observer Mission in El Salvador, the protection and promotion of human rights have become essential functions of peacekeeping missions. Although human rights components have a critical role in this regard, upholding human rights is a mission-wide responsibility that encompasses not only civilian human rights officers but also military and police components.

The UN is facing a moment of increased attention to the operational performance of peacekeeping. The human rights readiness of UN uniformed

personnel is a key determinant of this performance, as well as of the UN's credibility and reputation and its commitment to prevention. To professionalize peacekeeping, the UN and its member states need to ensure that uniformed personnel understand and have the skills to fulfill their human rights responsibilities

and enable the work of human rights components. Human rights need to be a systematic part of the process of force generation and preparedness, which would also make peacekeeping more accountable to the public and more credible to the UN's partners.

Human rights readiness is intended to be a framework against which existing operational requirements related to human rights standards for T/PCCs should be assessed. But as with operational readiness, it is a collective effort by both T/PCCs and the UN Secretariat, which are both involved in all of the relevant components of peace operations.

⁶⁷ Right now, the total human rights overview in a one- to two-week training course is only recommended to be forty-five minutes. This overview is further constrained by its format as a presentation, which limits the opportunity for interactive learning. This module can be augmented with additional courses on POC and child protection, both of which are recommended to be sixty minutes, and on conflict-related sexual violence, which is recommended to be forty-five minutes.

⁶⁸ Interview with OHCHR official, New York, March 2019; interview with former DPKO official, New York, May 2019; interview with DPO official, New York, May 2019.

⁶⁹ ICRC, "Integrating the Law," p. 29.

⁷⁰ Phone interview with member-state training official, June 2019.

⁷¹ Bates, "Towards Effective Military Training in International Humanitarian Law," p. 797.

To strengthen the human rights readiness of military and police units deployed in UN peace operations, this policy paper identifies tangible actions for both T/PCCs and the UN to take. These actions would prepare units to uphold human rights standards and better integrate human rights considerations into their work. They would also ensure that uniformed components can deliver on such a commitment.

Prioritizing Human Rights in the Force Generation Process

Both the UN Secretariat and several member states have already established some processes to screen peacekeepers and mitigate the risk of deploying personnel who have been implicated in human rights violations. However, the structures responsible for factoring human rights readiness into the selection of personnel and the generation of troops and police units remain weak.

These structures are even weaker in terms of factoring in the inverse of human rights violations: a track record of effectively promoting and pursuing the protection of civilians and human rights. Existing processes tend to focus on screening out perpetrators but not necessarily on bringing in human rights champions, which would entail proactively favoring those who demonstrate the capacity and readiness to promote and defend human rights. Likewise, a robust screening and selection process to ensure human rights readiness should go beyond the human rights concerns in a given country to evaluate the human rights capacities that a country could positively contribute to a peace operation. Rather than only considering human rights records and a propensity for future violations, this process could include requirements for the types of personnel a T/PCC provides and the structure and policies it puts in place. The conversation would then shift from past behavior to potential mitigation measures to lay the foundation for future human rights readiness.

The human rights readiness of UN uniformed personnel is a key determinant of their performance, as well as of the UN's credibility and reputation and its commitment to prevention.

The following are recommendations for the UN Secretariat to strengthen the human rights readiness of UN peacekeepers.

- **DPO should add evaluation criteria related to human rights to future revisions of policies and standards related to the operational readiness framework for T/PCCs**, including the 2015 Policy on Operational Readiness Assurance and Performance Improvement and the 2008 Generic Guidelines for TCC Deploying Military Units to the UN Peacekeeping Missions.⁷² It should also include human rights criteria in memoranda of understanding with T/PCCs.
- **DPO should include human rights performance as one of the criteria in selecting T/PCCs for a UN peacekeeping operation and consider strengthening human rights considerations in the Force Generation Manual and standard operating procedures for the selection of units.** In particular, DPO should consider giving preference to T/PCCs that have demonstrated their readiness to uphold and promote human rights and have records of good performance related to the implementation of POC mandates. Similarly, units that already have internal guidance, procedures, and standards to ensure the respect and integration of human rights in planning and operations should be given an advantage. DPO should also ensure that records of under-performance on POC and human rights inform the selection and repatriation of troops and units.
- **In coordination with OHCHR, DPO should also conduct more thorough and systematic analysis of human rights concerns in a given country when considering its selection and deployment as a T/PCC and develop tailored political and communication strategies to**

⁷² See UN DPKO and DFS, *Operational Readiness Assurance and Performance Improvement*, December 2015; and UN DPKO Force Generation Service, *Generic Guidelines for Troop Contributing Countries Deploying Military Units to the United Nations Peacekeeping Missions*, UN Doc. PK/G/19454, June 3, 2008.

address these risks. These risk assessments could build on the precedent set by the use of the “screening plus” framework and draw on available information collected by the UN through universal periodic reviews, treaty bodies, and regular reporting. OHCHR and DPO should establish a policy framework to coherently apply the “screening plus” practice so that human rights assessments are fully integrated into decisions related to the selection of T/PCCs.

- **DPO, in cooperation with OHCHR, should better assess human rights readiness during pre-deployment visits (PDVs) and assessment advisory visits (AAVs).** Notably, DPO should include more references to human rights in the standard operating procedures for AAVs and PDVs as they are updated. DPO should also facilitate the inclusion of OHCHR or human rights focal points as part of the assessment teams conducting these visits. Assessments and verifications should consider the adequacy of human rights training and operational preparedness in pre-deployment and in-mission training and the existence of national human rights accountability processes. Toward this end, DPO and OHCHR could develop a checklist with human rights parameters that need to be assessed during AAVs and PDVs.
- **The secretary-general should propose the establishment of a human rights screening entity, ideally led by OHCHR, and request approval from member states for dedicated capacities and resources.** In addition to the current system of self-certification, this unit could conduct risk assessments of all potential T/PCCs, drawing on available public reporting.
- **DPO and OHCHR should request that T/PCCs with national human rights screening processes ensure that these processes are in line with UN standards and operational readiness policies.** They should request that these T/PCCs share information on their processes as part of force and police-generation processes. In particular, DPO and OHCHR should verify whether T/PCCs have established a domestic screening mechanism that could certify potential UN peacekeepers in

an effective and independent way.

- **DPO should consider including a requirement for T/PCCs to deploy experts in human rights, POC, or international law to accompany uniformed personnel at the sector level.** These experts could ensure that human rights are mainstreamed and integrated into planning, operations, and in-mission training. The deployment of such experts should be included as a criterion in the peacekeeping-capability-readiness system and memoranda of understanding with T/PCCs. DPO could also include a requirement for civil-military coordination officers with training in human rights and POC, as well as provosts or military police officers with proven expertise in human rights. In a context of limited resources for systematic screening of all uniformed personnel, the embedment of this type of expertise in uniformed components could be a more impactful measure to mitigate human rights risks.
- **DPO and DOS should integrate human rights readiness into discussions and policy documents related to contingent-owned equipment requirements.** The extent to which uniformed personnel are equipped to comply with their obligations under IHRL and IHL while effectively assuming POC tasks should also be a dimension in the assessment of human rights readiness. For example, formed police units handling crowd control and public order need non-lethal weapons to effectively protect civilians and ensure respect for human rights. Specialist forensics police teams also need specific equipment to effectively contribute to human rights investigations.

Strengthening Human Rights Training for Uniformed Peacekeepers

Structural challenges to training for peacekeepers extend well beyond human rights and protection issues. Short of a fundamentally new approach to training, however, there are several ways to improve human rights readiness for uniformed personnel within the existing training paradigm. The following are recommendations for DPO,

OHCHR, and member states on how to do this.

- **Using the recently developed stand-alone police training-of-trainers course on human rights-specific issues in pre-deployment training as a model, ITS should develop an equivalent course for military trainers.** This would provide a deeper understanding of the human rights elements integrated into the core pre-deployment training materials and specialized thematic materials for different categories of uniformed personnel. ITS should integrate both trainings into its catalogue of courses and generate the capacity to jointly deliver an adequate number of such courses with OHCHR every year.
- **In the context of the Action for Peacekeeping initiative, member states should provide additional funding and capacity to enable OHCHR and the Standing Police Capacity to expand their in-mission human rights training-of-trainers training course.** Member states should also consider providing equivalent resources to enable OHCHR and ITS to develop and implement an equivalent course for military personnel.
- **OHCHR and ITS should ensure that the generic training-of-trainers course on training methodologies and standards currently being developed adequately addresses issues related to human rights and protection.** This, in turn, could help ensure that these issues are addressed more effectively and systematically in member states' pre-deployment training.
- **OHCHR should expand its peacekeeping-training capacity.** This could enable it to more systematically deploy human rights trainers to relevant mobile training teams and training-of-trainers courses provided by ITS, as well as bilateral initiatives to support peacekeeping training. As an expansion of staff capacity and resources will require approval from member states, OHCHR should engage with relevant member states, including T/PCCs and major financial contributors, to build support for this proposal.
- **Peacekeeping training centers and courses should make greater use of human rights officers, staff of national human rights NGOs, and national human rights commissions.** OHCHR and ITS should develop a network of experienced human rights trainers, including former UN staff, military personnel seconded by member states, and civil society representatives. This network could share best practices and experiences and support trainings conducted by T/PCCs, including through mobile training teams.
- **T/PCCs should, whenever possible, ensure that lessons from outgoing battalion leaders are shared with incoming leadership, particularly when the units are from the same T/PCC.** DPO should explore how to capture unit-level operational lessons, including (but not limited to) human rights and protection issues, and should facilitate sharing during rotations. Unit commanders should also be encouraged to regularly report on training needs and certification during their deployment to enhance accountability.

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