

HUMAN RIGHTS DUE DILIGENCE POLICY TOOLKIT FOR IOM ACTIVITIES



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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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LIST OF ACRONYMS

COM Chief of Mission

GPRAF General and Preliminary Risk Assessment Framework

HRDD Human Rights Due Diligence

HRDDP Human Rights Due Diligence Policy

IDP Internally Displaced Person

IOM International Organization for Migration

MOU Memorandum of Understanding

RBA Rights-Based Approach

SOP Standard Operating Procedure

SUMMARY



HUMAN RIGHTS DUE DILIGENCE

refers to the process of assessing the potential negative human rights impact of any activity, project or engagement, and identifying and implementing mitigating measures to minimize the identified risks.

In fragile and crisis-affected contexts with weak rule of law, the risk of human rights violations is heightened. IOM works in line with the Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces (HRDDP). The HRDDP is a United Nations system-wide obligatory policy that applies whenever the United Nations is contemplating, or is engaged in, providing support to security forces that are not part of the United Nations system. When working in partnership with security actors, assessing the human rights risks of IOM's engagement is of paramount importance. **Specifically, IOM must assess, and prepare for, the possibility that the forces supported by the Organization may commit grave violations of human rights, international humanitarian and refugee law.** The probability of such violations taking place within the scope of IOM activities can become a concrete human rights, reputational and institutional risk that negatively impacts the ability of all stakeholders to ensure the safety and security of the affected population, and their capacity to operate ethically and effectively. This IOM HRDDP Toolkit includes guidance and practical tools for IOM staff to understand and apply human rights due diligence, and the HRDDP specifically, to IOM support to non-United Nations security forces.



WHO IS THIS GUIDANCE FOR?

The IOM HRDDP Toolkit is geared primarily at project and programme management staff responsible for assessing the human rights risk of any relevant IOM project, programme, activity or engagement, and the regional thematic specialists and technical support staff at regional offices and Headquarters level responsible for endorsing and providing oversight of IOM projects. However, the guidance in this toolkit is also useful for any other staff, partner or donor that wishes to better understand the practical steps and theoretical concepts behind applying human rights due diligence to IOM's work.

HOW TO USE THE GUIDANCE

The toolkit first introduces and explains the concept and objectives of human rights due diligence, and the human rights due diligence policy in particular. Subsequently, the practical sections of the guidance are shaped around **7 ACTIONS** that need to be undertaken to fully apply the human rights due diligence process to projects and programmes:

ACTION 1

Identifying when to apply the HRDDP

ACTION 2

Meeting preconditions for support to security forces

ACTION 3

Engaging with United Nations HRDDP mechanisms at country level

ACTION 4

Conducting human rights risk assessments

ACTION 5

Developing mitigation measures

ACTION 6

Conducting due diligence monitoring

ACTION 7

Developing procedures for intervention and cessation of support

The toolkit includes a series of resources containing practical tools to support staff in conducting human rights due diligence risk assessments and develop mitigation measures, as well as the policy and informational documentation that provide broader guidance towards implementation of HRDDP. For further guidance on any aspect of implementing HRDDP or interacting with human rights due diligence mechanisms, you can reach out to the dedicated Human Rights Team at IOM Headquarters: hrddp@iom.int.

INTRODUCTION

IOM's role in supporting States to build national capacities in the governance of migration and the protection and assistance of migrants is a core element of its mandate and strategic vision. In operational terms, this often translates into the provision of funds, services and assistance to national and regional security forces that are not part of the United Nations system. Whether partnering with national border forces, detention centre guards, national police or military units, this engagement can be critical to ensuring the principle of humane and orderly migration and the protection of the human rights, dignity and well-being of migrants themselves.

Nevertheless, engaging with non-United Nations security forces is not without risk. In particular, the possibility that the forces supported by IOM commit grave violations of human rights, international humanitarian and refugee law is ever-present. In fragile and crisis-affected contexts with weak rule of law, the risk of human rights violations is heightened. The possibility of such violations taking place within the scope of IOM activities can become a concrete human rights, reputational and institutional risk that negatively impacts the Organization's ability to ensure the protection, safety and security of the most vulnerable migrants and IOM's capacity to operate in line with the Principles for humanitarian action, articulated to ensure neutrality, independence, humanity and impartiality in all our activities.

In order to mitigate these risks, the HRDDP requires that IOM, when contemplating or involved in providing support to non-United Nations security forces, conduct "an assessment of the risks involved in providing or not providing such support, in particular the risk of the recipient entity committing grave violations of international humanitarian law, human rights law or refugee law" and, where such risks exist, implement mitigation measures to minimize the likelihood of those risks occurring. When mitigation measures are not effective, and grave violations occur and are not addressed by support recipients, IOM must intercede with the relevant authorities with a view to bringing those violations to an end. If, despite such intercession, the situation continues – and as a measure of last resort – IOM must suspend or withdraw its support to the security forces.

This IOM HRDDP Toolkit is a practical companion guide to IN135/Instruction on IOM Implementation of the Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces (HRDDP) (hereafter referred to as IN135/IOM HRDDP Instruction), IOM's own internal instruction notice on human rights due diligence in relation to the security sector. The objective of the toolkit is to deliver practical guidance to IOM staff towards an enhanced understanding of human rights due diligence and its application, and to provide step-by-step instructions on how to carry out human rights due diligence risk assessments and develop mitigation for projects engaging with non-United Nations security forces.

[Human rights due diligence policy on United Nations support to non-United Nations security forces \(HRDDP or Policy\)](#)

[Inter-agency human rights due diligence policy guidance note](#)

IOM AND THE HUMAN RIGHTS OF MIGRANTS

IOM is mandated by its Constitution¹ and the key policy documents adopted by its Member States to contribute to the protection of migrants, and since IOM's inception, the recognition of human rights of migrants and the need to protect them has been articulated in several of its constituent documents.² IOM's 2002 Council document on the human rights of migrants recognized IOM's responsibility "to ensure that when providing assistance to migrants, its activities must obtain full respect for the rights of the individual, its activities must be non-discriminatory and must not diminish the human rights of others".³ Other Council documents have also acknowledged the key supporting role IOM plays in "achieving the effective respect of the human rights of migrants",⁴ and the 2015 IOM Migration Governance Framework (MiGOF), endorsed by Member States through Council Resolution 1310, states in Principle 1 that IOM must "Adhere to international standards and fulfillment of migrants' rights."⁵

As a related agency of the United Nations since 2016, IOM has committed to "conduct its activities in accordance with the Purposes and Principles of the Charter of the United Nations" and to give due regard "to other relevant instruments in the international migration, refugee and human rights fields".⁶ Since then, the Organization has taken significant steps in strengthening its role and work in

protection and in the fulfilment of rights of migrants, including displaced persons and their communities. This progress has been hastened by the adoption of the [Global Compact for Safe, Orderly and Regular Migration](#) in 2018, and IOM's role in the follow up of the Global Compact for Migration as the coordinator of the United Nations Network on Migration, as well as the development of [IOM's institutional approach to protection](#), which places the rights and well-being of migrants including internally displaced persons (IDPs) at the core of IOM's operations.

Human rights due diligence is a critical component of IOM's commitment under international frameworks, its responsibility to safeguard migrant rights and dedication to promoting a more just, equitable and people-first migration landscape. By systematically assessing the potential human rights impacts of its interventions, IOM ensures that its operations do not contribute to or exacerbate human rights violations. Human rights due diligence is therefore aligned with the Organization's application of a rights-based approach (RBA) across its programming. Being guided by RBA allows IOM to uphold its mandate and support States in fulfilling their responsibilities to reduce the protection risks and address the needs of those in vulnerable situations. Such responsibility flows from IOM's commitments to the United Nations Charter and to uphold human rights for all.⁷

- 1 See IOM Constitution of 19 October 1953 in the Preamble on how due regard must be paid "to the specific situation and needs of the migrant as an individual human being" and the "need to promote the cooperation of States and international organizations with a view to facilitating the emigration of persons who desire to migrate to countries where they may achieve self-dependence through their employment and live with their families in dignity and self-respect".
- 2 See IC/2007/3; See Council Resolution No. 923 (LXXI) of 29 November 1995 on "Future activities of IOM" and Resolution No. 908 (LXIX) of 30 November 1994 on "Role of IOM with regard to trafficking in migrants and the safeguarding of migrants rights"; IOM, Migrants' Rights: IOM policy and activities, 13 November 2002, MC/INF/259; Protection of persons involved in migration: Note on IOM's role (IC/2007/3) of 18 April 2007; The Council document entitled "The human rights of migrants – IOM policy and activities" (MC/INF/298 of 12 November 2009).
- 3 See IOM, Migrants' rights: IOM policy and activities, 13 November 2002, MC/INF/259.
- 4 IOM, The Human rights of migrants: IOM policy and activities, 12 November 2009, MC/INF/298.
- 5 C/106/40.
- 6 United Nations General Assembly, Agreement concerning the relationship between the United Nations and the International Organization for Migration, 25 July 2016, United Nations Doc. A/RES/70/296, Article 2.
- 7 See [IOM's Strategic vision \(2019–2023\)](#). See also [the United Nations Agenda for protection 2024](#) in which IOM pledges to ensure that people are protected through the enjoyment of their human rights. Such commitment is realized by working with those responsible for protection to prevent human rights violations and to respond promptly and effectively when violations occur, as in line with IOM's approach to protection.

HUMAN RIGHTS DUE DILIGENCE

Human rights due diligence refers to the systematic process of identifying and assessing both the potential and actual negative human rights impact of any activity, project or engagement, and developing and implementing mitigation measures to minimize the identified risks where possible. By undertaking human rights due diligence, organizations recognize that even when the objectives of their engagement are explicitly transformative in terms of human rights, the processes, partners, supply chains, and activities leveraged to achieve these objectives may have unintended negative consequences on the human rights of individuals and communities, if the human rights risk of all aspects of engagement have not been assessed.

Human rights due diligence processes are central to a range of international and regional frameworks: For example, the [United Nations guiding principles on business and human rights](#) emphasize the role of human rights due diligence as a central aspect of corporate responsibility and ethical business practice, exhorting companies to identify, prevent and mitigate the adverse human rights impacts of their operations and supply chains. [The model approach to environmental and social standards](#), in turn, recommends that United Nations entities design and implement their programming “in a manner that supports universal respect for, and observance of, human rights and fundamental freedoms for all”, to ensure that “development and humanitarian actors are held to the principles they proclaim and that interventions do not result in inadvertent harm to people and the environment”.

The guidance and tools in this toolkit are primarily concerned with supporting IOM implementation of the Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces (HRDDP), which specifically sets out the measures required to assess the human rights risk of support provided by United Nations entities to non-United Nations security forces. However, the key human rights due diligence elements expressed throughout this toolkit are relevant to a range of human rights due diligence processes not specifically in relation to non-United Nations security forces.

The HRDDP applies human rights due diligence principles specifically to the United Nations system’s engagement with and provision of support to security forces that are not part of the United Nations. In particular, the HRDDP states that:

“ Support by United Nations entities to non-United Nations security forces must be consistent with the Organization’s purposes and principles as set out in the Charter of the United Nations and with its obligations under international law to respect, promote and encourage respect for international humanitarian, human rights and refugee law. Such support should help recipients to attain a stage where compliance with these principles and bodies of law becomes the norm, ensured by the rule of law. Consistent with these obligations, United Nations support cannot be provided where there are substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law and where the relevant authorities fail to take the necessary corrective or mitigation measures. For the same reasons, if the United Nations receives reliable information that provides substantial grounds to believe that a recipient of United Nations support is committing grave violations of international humanitarian, human rights or refugee law, the United Nations entity providing such support must intercede with the relevant authorities with a view to bringing those violations to an end. If, despite such intercession, the situation persists, the United Nations must suspend support to the offending elements.

Source: HRDDP, para 1.

KEY ELEMENTS OF THE HRDDP

The HRDDP, as well as being a policy, is a tool that can help IOM prevent and mitigate the risk of human rights violations being committed by its support recipients.

The key elements of the HRDDP include:

COMMUNICATION



Transparent engagement with governments and specific units about the Policy and the conditions of support is important. Where possible, recipients of support should be aware that IOM will continuously assess their forces' activities with regards to human rights, international humanitarian and refugee law compliance and that continuance of the support depends on the outcomes of the ongoing assessment. In contexts where human rights due diligence is applied at the inter-agency level, communication with recipients of support is usually carried out by the most senior United Nations Official in country.

RISK ASSESSMENTS



Before engagement, IOM must conduct an assessment of the potential risks and benefits involved in providing support. This assessment should consider the overall context with regards to human rights, the recipients' enforcement of the death penalty, the human rights record of the recipients of support, their effectiveness in taking measures to hold perpetrators accountable, and any normative or operational guidance in place to prevent and respond to human rights violations, among other factors (see more details below). Assessing the risk of not providing support is also key.

MITIGATION MEASURES



As a result of the risk assessment, mitigation measures should be identified and put in place as preventative or corrective actions to minimize the impact of the human rights risks identified. Mitigation measures are central to the HRDDP as an instrument to enable continued support in volatile environments and to protect and promote human rights. It is important to note that mitigation measures should therefore be integral components of project design and delivery and budgeted for accordingly.

DUE DILIGENCE MONITORING



IOM must monitor the human rights risks and conduct of the forces that received its support, as well as the effectiveness of its mitigation. Additionally, IOM must establish internal procedures to ensure monitoring is continuous and effective.

PROCEDURES FOR INTERVENTION



Procedures for intervention must be in place where there is a risk of grave violations that might warrant the suspension and/or withdrawal of IOM support. The commission of "grave violations" does not automatically lead to suspension or withdrawal of support. It triggers a responsibility for IOM to engage with recipients and national authorities and to take corrective measures and mitigate risks. Suspension and withdrawal are clearly defined as last resort options when recipient entities, despite intercession by IOM, continue to engage in the commission of grave violations of international humanitarian, human rights or refugee law.

IMPACT

The consequences of supporting actors or institutions that commit grave violations against individuals and communities are clear. The commission of grave violations can often result in widespread loss of life and cause both immediate and long-lasting physical and psychological harm to survivors. This can include injuries, disease and infection, shock, post-traumatic stress and depression. Survivors and witnesses can also suffer from economic and social harms, impacting their resilience, quality of life, livelihood prospects and trust in their communities and institutions, effects that are compounded when violations have occurred in fragile and conflict-affected contexts, situations of displacement, detention or during transit, especially along risky, irregular migration routes.

The perpetration of systematic human rights violations against communities by State and security forces also results in broader consequences at the community, local, and regional levels. Violations of human rights do not only occur in contexts already affected by violence and fragility, but they are also a catalyst for migration and displacement, instability and conflict. Human rights violations are central features of the insecurity that can impede safe and voluntary return, reintegration and durable solutions for migrants and IDPs. They lead to loss of trust in the State and security institutions, erode social cohesion,

and impact efforts to stabilize communities, prevent further conflict and sustain peace. Human rights violations are also cited as core drivers of recruitment into violent extremist organizations: recent studies have shown that a significant percentage of recruits cite attacks and human rights violations by State forces as both contributors to and triggers for joining extremist groups.

Finally, when security actors supported by IOM commit grave human rights abuses, it impacts IOM both operationally and reputationally. It can lead to distrust between IOM and the communities it is supporting, and impact perceptions of IOM's operational neutrality – in particular in areas where IOM is an active humanitarian actor. It can limit access to certain populations, both geographically and socially, who see IOM as complicit in the abuses perpetrated against them. Human rights violations can ultimately undermine the objectives of IOM's engagement in the first place – by causing further instability or incentivizing recruitment into violent extremism in areas where IOM is in fact working with State authorities towards building trust between the State and communities; increasing, rather than decreasing, barriers to safe return for IDPs; or misusing materials, services and equipment provided by IOM.



Natite Community Safety Council.

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Understanding the objective of human rights due diligence

What happens when security forces supported by IOM commit human rights violations?

HUMAN RIGHTS VIOLATIONS LEAD TO NEGATIVE IMPACTS ON:



INDIVIDUALS AND COMMUNITIES

- Loss of life.
- Immediate and long-lasting physical and psychological harm, including injuries, disease and infection, shock, post-traumatic stress and depression.
- Economic and social harms.
- Loss of trust in their communities and institutions.



CONTEXT AND STABILITY

- Human rights violations are triggers for migration and displacement, increased instability and conflict.
- Obstacle to safe and voluntary return, reintegration and durable solutions
- Barrier to stabilizing communities, preventing further conflict and sustaining peace.
- Human rights violations are key drivers of recruitment into violent extremist organizations.

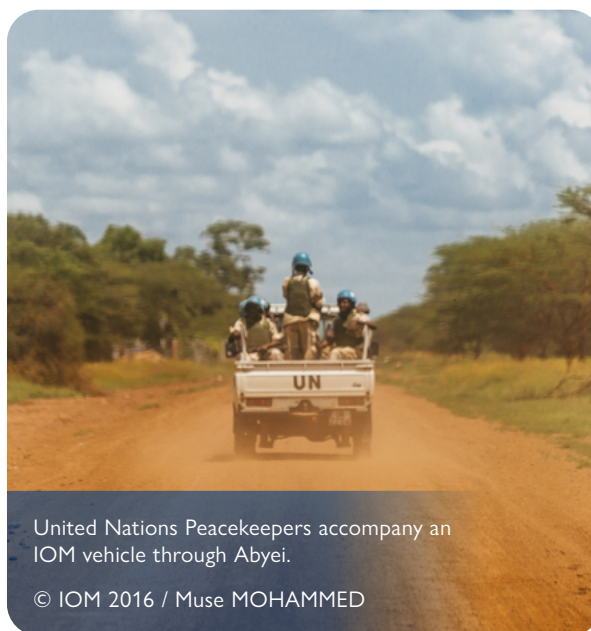


IOM'S OPERATIONS AND REPUTATION

- Reputational harm where IOM perceived as complicit, ineffective or negligent with regards to human rights violations – by media, United Nations system, partners.
- Distrust between IOM and communities.
- Negative perceptions of IOM's lack of operational neutrality.
- Undermining the objectives of IOM's engagement.
- Misuse of materials, services and equipment

HOW DOES IOM IMPLEMENT THE HRDDP?

As a member of the United Nations system, IOM has chosen to be guided by the Purposes and principles of the United Nations Charter and to develop its own internal procedures for conducting human rights due diligence in relation to its engagement with non-United Nations security forces. As per IN135/IOM HRDDP instruction, IOM is obligated to implement human rights due diligence when conducting activities in support of security forces that are not part of the United Nations system. HRDD forms part of IOM's protection interventions by advocating for the respect and fulfilment of the rights of individuals and encouraging duty-bearers to meet their obligations. To this end, IOM country offices should follow the [7 key actions to implement human rights due diligence](#) when contemplating, or providing, support to non-United Nations security forces.



The IOM HRDDP toolkit is comprised of the following key actions:

ACTION 1 Identifying when to apply the HRDDP

ACTION 2 Meeting preconditions for support to security forces

ACTION 3 Engaging with United Nations HRDDP mechanisms at country level

ACTION 4 Conducting human rights risk assessments

ACTION 5 Developing mitigation measures

ACTION 6 Conducting due diligence monitoring

ACTION 7 Developing procedures for intervention and cessation of support

ACTION 1

IDENTIFYING WHEN TO APPLY THE HRDDP

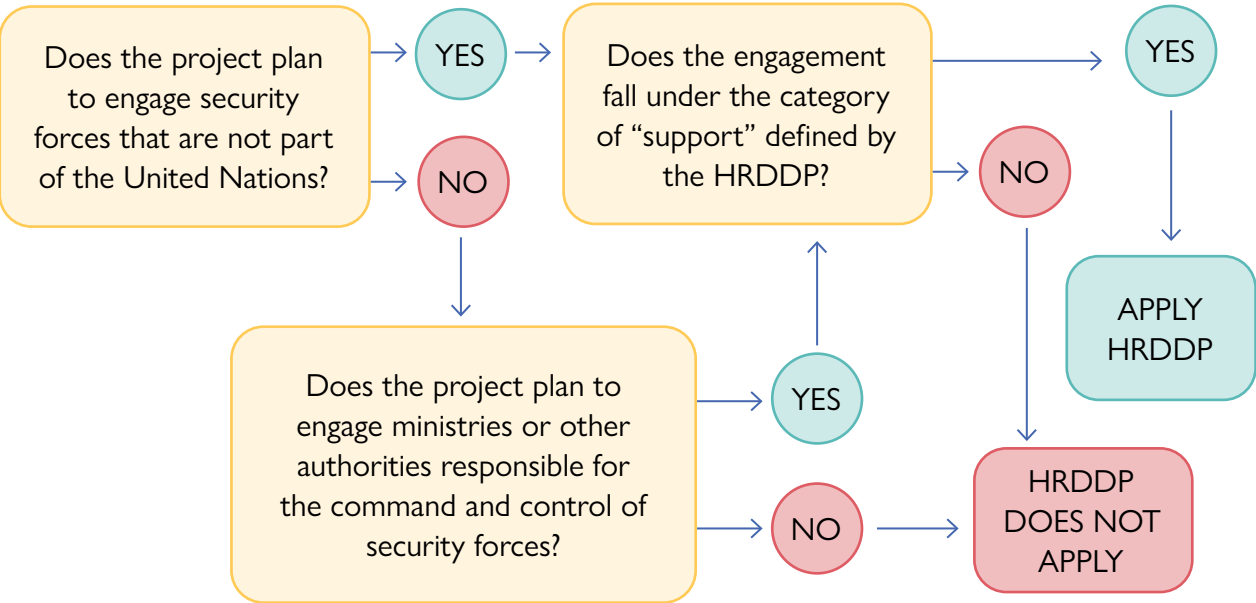
The HRDDP is primarily a risk assessment and risk mitigation tool that can support improved engagement with, and capacity-building of, States, by forecasting the possible negative human rights impacts of supporting security forces; integrating targeted mitigation measures into projects to minimize the risk of grave violations being committed; and addressing the potential reputational and operational risks for the United Nations and its partners.

In summary, the HRDDP applies to most forms of support provided to non-United Nations security forces. The objective of conducting human rights due diligence is to identify the level of risk of grave violations occurring and putting in place measures or interventions to minimize that risk. Some types of activities are exempt from being subject to a human rights risk assessment. These terms are defined below.

In order to decide whether the programme, project or set of activities must undergo a human rights due diligence risk assessment, staff must ascertain whether the following applies:

- Does the programme, project or activity plan to engage with non-United Nations security forces as defined by HRDDP?
- Will the programme, project or activity provide support to non-United Nations security forces as defined by HRDDP?
- Is the programme, project or activity exempt from carrying out a human rights due diligence risk assessment as defined by the HRDDP?

Figure 1. Decision-making tree for applying HRDDP to IOM projects



DEFINITIONS

The following definitions are drawn from the United Nations HRDDP and IN 135/IOM HRDDP instruction.

Non-United Nations security forces⁸

- National or regional military, paramilitary, police, cybersecurity, intelligence services, border control, customs, and other similar security forces; forces in charge or in control of detention centres or similar; coast guard and port security forces.
- National or regional civilian, paramilitary or military authorities directly responsible for the management, administration or command or control of such forces.
- Peacekeeping forces of regional international organizations.
- Private security companies operating under the direction, contract and/or command of State authorities.
- Non-state armed groups, including militias and other armed groups operating outside formal State structures.

Support

Support may be direct or indirect, through implementing partners.

- Training, mentoring, advisory services, capacity- and institution-building and other forms of technical cooperation, including technical support on digital identity solutions, for the purpose of enhancing the operational capabilities of non-United Nations security forces;
- Ad hoc or programmatic support to civilian or military authorities directly responsible for the management, administration or command and control of non-United Nations security forces;
- Financial support, including payment of salaries, bursaries, allowances and expenses, whatever the source of the fund;

⁸ Although not specifically listed, the category also encompasses non-State security actors operating on behalf of State actors or acting as the State in their absence.

- Strategic or tactical logistical support to operations in the field conducted by non-United Nations security forces, including construction, rehabilitation and repair of infrastructures used by non-United Nations security forces to conduct operations in or from, and the provision of material, equipment, transport or other forms of logistical support;
- Operational support to action in the field conducted by non-United Nations security forces, including fire support, strategic or tactical planning.

Exemptions

The HRDDP provides for some limited exemptions for which an assessment is not strictly obligatory.

However, any support that combines exempted and non-exempted activities must undergo an HRDDP risk assessment. In some circumstances, it is prudent to assess the risks even when the support falls under the exemptions, in order to prevent and mitigate reputational risks. Generally speaking, “support” does not include:

- Training or sensitization regarding international humanitarian, human rights and refugee law;
- Standard-setting (e.g. advice on and review of legislation, codes and policies) and capacity; support directly related to the implementation and promotion of compliance with human rights laws and standards and to foster democratic governance of security institutions;
- Engagement to promote compliance with humanitarian, human rights and refugee law or to negotiate humanitarian access and carry out relief operations;
- Mediation and mediation-related support;
- Medical evacuation (MEDEVAC) and casualty evacuation (CASEVAC).

Grave violations

For the purposes of this framework and in line with the definition of the HRDDP, “grave violations” is understood to mean the following:

1. War crimes;
2. Crimes against humanity;
3. Gross violations of human rights;
4. Acts of refoulement; or
5. A pattern of repeated violations of international humanitarian, human rights or refugee law committed by a unit, members of a unit, commander of a unit or the civilian or military authorities responsible for the management administration or command of a unit or security force.

1. War crimes. War crimes are defined under Article 8 of the Statute of the International Criminal Court⁹ and refer to grave breaches of the Geneva Conventions of 12 August 1949,¹⁰ namely, any of the following acts when perpetrated against persons or property protected under the provisions of the relevant Geneva Convention:

- i. Willful killing, torture or inhuman treatment;
- ii. Willfully causing great suffering, or serious injury to body or health;
- iii. Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully;
- iv. Compelling a prisoner of war or other protected person to serve in the forces of a hostile power;
- v. Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
- vi. Unlawful deportation or transfer or unlawful confinement;
- vii. Taking of hostages.

2. Crimes against humanity. These are defined under Article 7 of the Statute of the International Criminal Court and mean any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- i. Murder;
- ii. Extermination;
- iii. Enslavement;
- iv. Deportation or forcible transfer of population;
- v. Imprisonment;¹¹
- vi. Torture;
- vii. Rape, sexual slavery or any other form of sexual violence of comparable gravity;
- viii. Persecution;
- ix. Enforced disappearances;
- x. Apartheid;
- xi. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body, or to mental or physical health.

3. Gross violations of human rights. While there is no internationally recognized definition of gross violations of human rights, the HRDDP explicitly states in paragraph 12 (a) (i) that they include:

- i. Summary executions and extrajudicial killings;
- ii. Acts of torture;
- iii. Enforced disappearances;
- iv. Enslavement;
- v. Rape and sexual violence of a comparable serious nature.

⁹ Rome Statute of the International Criminal Court, International Criminal Court (1998).

¹⁰ Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949.

¹¹ Imprisonment can constitute a crime against humanity when, among other conditions, the gravity of the conduct is such that it is in violation of fundamental rules of international law and the accused is aware of such gravity.

Additionally, international human rights law comprises both civil and political rights and economic, social and cultural rights and as such gross violations are also considered by many commentators and instruments as consisting of:

- i. Severe forms of discrimination based on ethnicity, religion, sex or other protected characteristics;
- ii. Deportation or forcible transfer of population and other forms of arbitrary displacement;
- iii. The denial of freedom of thought, conscience and religion;
- iv. Permitting the advocacy of national, racial or religious hatred;
- v. Denial to minorities of the right to their own culture, religion or language and the deprivation of essential foodstuffs, essential primary health care, basic shelter and housing or most basic forms of education.

4. Acts of refoulement. The HRDDP explicitly recognizes under paragraph 12 (a) (i) that grave violations include acts of refoulement under refugee law that are committed on a significant scale or with a significant degree of frequency (that is they are more than isolated or merely sporadic phenomena). Under the 1951 refugee convention, refoulement is defined under Article 33 (1) as “expelling or returning a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” IOM information note on the principle of non-refoulement extends the definition to encompass other categories of migrants as well in serious cases.¹²

5. A pattern of repeated violations. Under paragraph 12 (a) (ii) of the HRDDP, a pattern of repeated violations of international humanitarian, human rights or refugee law committed by a significant number of members of a unit will constitute grave violations. This is important because a pattern of repeated violations can be comprised not only of individual violations that are grave in nature – e.g. repeated acts of torture or sexual violence – but also of violations that may not be grave individually but reach the gravity threshold because they are part of a pattern of repeated violations: for example, a security unit responsible for a pattern of repeated acts of discrimination based on sex or race could pose the risk of grave violations.

Finally, it should be noted that grave violations can be committed through direct perpetration – when an individual or unit is directly responsible for the commission of the act or acts – but also through command responsibility, which occurs when a commander(s) had (i) effective control over subordinates, (ii) knew or should have known that the subordinates were committing crimes, (iii) failed to take reasonable measures to prevent or punish or submit to competent authorities to investigate and (iv) as a result the crime was committed.

Grave violations also include cases where civil authorities with responsibility for non-United Nations security services fail to take appropriate measures to investigate and prosecute perpetrators of grave violations in units under their command.

¹² See IML information note on the principle of non-refoulement (2023).

Examples of types of IOM activities requiring human rights due diligence



Provision of equipment, infrastructure and operational training to border security actors.



Building police stations and supporting the police with community engagement activities to promote stabilization.



Providing operational training and search and rescue equipment to the coast guard.



Rehabilitation of checkpoints and provision of non-food items for distribution to vulnerable migrants at border crossing points.



Purchasing of office equipment and light vehicles for national intelligence body in support of activities to counter violent extremism.



Provision of technical and financial support to Ministry of Interior in relation to operational capacity and oversight of national security service or other security actor.



Provision of equipment, training and vehicle support to a non-United Nations national or regional peacekeeping unit.

ACTION 2

MEETING THE PRECONDITIONS FOR SUPPORT TO SECURITY FORCES

IN 135 sets out a number of preconditions for engaging with security forces, which must be in place before an assessment of the risks of engagement is carried out. IOM will **NOT** engage with security forces unless the following preconditions are met:



CONDITIONS REGARDING NATIONAL OWNERSHIP

a. National ownership.¹³ Requests for support must be made in coordination with national authorities responsible for the command and control of security forces and cannot be made by security forces directly without host government involvement. Requests for support must also be made with knowledge of the executive government of the host country and cannot be considered if ministries or institutions involved are operating independently of the government. IOM must define, at the outset of any support provided, who the key government focal point is and their counterpart at IOM. Decisions related to the provision of support to security forces should not be made outside of that arrangement.



CONDITIONS REGARDING THE ENFORCEMENT OF THE DEATH PENALTY

b. Non-enforcement of the death penalty.¹⁴

IOM will not engage in supporting security or other forces and units responsible for the direct enforcement of the death penalty. This includes:

- i. No construction, rehabilitation and/or upgrading of detention centres where death sentenced prisoners are executed.
- ii. No support to units used as “firing squads”.
- iii. No support to units and/or other personnel involved in carrying out any other method of capital punishment, including hanging; lethal injection; electrocution; gas inhalation; or beheading.
- iv. No provision of material, technical and/or logistical support directed at enabling the enforcement of the death penalty, such as towards the construction of gallows or guillotines; supply of drugs and medical materials used to administer lethal injections; construction of chambers or supply of lethal gases.
- v. Ensuring that any material or structural support provided as above is not used in the enforcement of the death penalty subsequent to end of the project period.¹⁵

¹³ United Nations Secretary-General (UNSG), *Securing peace and development: the role of the United Nations in supporting security sector reform: report of the Secretary-General*, 23 January 2008, A/62/659-S/2008/39 [accessed 3 May 2021], para 45 (b) and (c).

¹⁴ IOM supports the implementation of General Assembly Resolution A/RES/62/149 and its subsequent resolutions (A/RES/63/168; A/RES/65/206; A/RES/67/176; A/RES/69/186 and A/RES/71/187) calling for a general moratorium on capital punishment throughout the world.

¹⁵ When providing support to non-United Nations security forces in countries that retain the death penalty in practice, IOM can include a clause to this effect in any MoUs or other formal agreements made in relation to the provision of support. Contact leg@iom.int for support.



CONDITIONS REGARDING THE PURCHASE AND TRANSPORT OF WEAPONS

- c. **No weapons.** IOM will not be involved in the purchasing of armaments, lethal or less-lethal weapons or any form of ammunition.¹⁶ The Organization will similarly not provide any material or logistical support towards the manufacture or assembly of any type of lethal or less lethal weapons, including through the provision of spare parts, construction of weapons storage facilities, or support towards the transportation, import or export of weapons or any of their constituent parts.



CONDITIONS REGARDING THE ENHANCEMENT OF COMBAT CAPACITY

- d. **No direct enhancement of immediate combat capacity.** Requests for support for military units will not be considered if the explicit aim of the request is to enhance their operational capacity for immediate combat.

Note on combat capacity

Box 1

Although almost all forms of support to security forces have the potential to eventually enhance the operational and combat capability of security forces, IOM will refrain from providing immediate, combat specific support to military fighting units or other combatants engaged in active hostilities, international or non-international armed conflicts. IOM understands direct enhancement of combat capacity to refer to any material, technical, or logistical support that can alter or enhance a fighting unit's combat capability for engagement in active hostilities against other State or non-State armed groups, or for use against civilians. This commitment is in line with IOM's Principles for humanitarian action (2015), and the Organization's adherence to the principle of neutrality: "IOM reaffirms the principles of humanity, impartiality, neutrality and independence in the delivery of its humanitarian response, and the need for all those engaged in humanitarian action to promote and fully respect these principles". According to the Principle of neutrality, "Humanitarians must not take sides in hostilities (...)".¹⁷

¹⁶ "There are some areas of security sector reform in which the United Nations would not normally be involved, such as the provision of military armaments and other equipment [...]" Securing peace and development (2008), para 50.

¹⁷ C/106/CRP/20 – IOM's humanitarian policy – Principles for humanitarian action.

ACTION 3

ENGAGING WITH UNITED NATIONS HRDDP MECHANISMS AT COUNTRY LEVEL

IOM, like other United Nations Entities, has the primary responsibility for applying the HRDDP to the relevant forms of support it provides.

In countries where United Nations HRDDP country mechanisms have been agreed under the overall coordination of the most senior United Nations official in country (Special Representative of the Secretary-General, Resident Coordinator, or Humanitarian Coordinators), IOM should endeavour to work collaboratively within the established mechanisms; participate in joint, inter-agency HRDDP assessments, known as General Preliminary Risk Assessments (GPRAF); and communicate its decisions on the results of its own risk assessments, including on continuation, mitigation or cessation of support, in line with the agreed upon country-specific standard operating procedures defined for HRDDP implementation. United Nations HRDDP country mechanisms are established to ensure that there is a coordinated and coherent approach by the United Nations system to all national security forces in order to manage the human rights and reputational risks of supporting these forces.

Although the policy obligates United Nations entities to conduct their own human rights due diligence, the decision to participate in HRDDP country mechanisms rests with the IOM Head of country office. The HRDDP does not mandate any one specific United Nations country-level mechanism, clearance process or system for communicating decisions on support. These procedures and other elements of HRDDP country mechanisms should be developed and agreed upon by all involved United Nations entities to ensure they take into account the “specific mandates of the United Nations entity concerned, as well as the nature and extent of the support, and the political and operational context in which it is delivered.”

Nevertheless, IOM country offices are strongly encouraged to participate in and contribute to HRDDP country mechanisms as a way to ensure consistent application of the HRDDP at national level.

2015 Inter-agency guidance note on HRDDP



Joint United Nations mission visits former Marka prison and courthouse, currently in ruins.

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ACTION 4

CONDUCTING HUMAN RIGHTS DUE DILIGENCE (HRDD) RISK ASSESSMENTS

HRDD RISK ASSESSMENT

Human rights due diligence is first conducted through a [human rights due diligence risk assessment](#), which should be carried out before a project is fully developed and activities begin, at the project conceptualization stage. Conducting a risk assessment is a key step in the conceptualization cycle, to be undertaken alongside needs, capacity, priority and stakeholder assessments.

The objective of carrying out an HRDD risk assessment is to identify, to the extent possible, the risk that recipients of support are involved in or are responsible for the commission of grave violations of human rights, international humanitarian and refugee law.

The risk assessment should include and pay attention to specific risks and risk factors for under-represented groups.

HRDD risk assessments can be carried out at the project-level, or, if there are multiple projects engaging with the same security force, at the programme or support recipient level.

In countries where HRDDP country mechanisms exist, IOM may be asked to participate in a joint risk assessment, known as the General and Preliminary Risk Assessment Framework (GPRAF). GPRAFs are conducted at the country-level and can be useful sources of human rights information for subsequent, project or recipient-level risk assessments conducted by IOM. See above ([Action 3](#)) for more information.

The IOM Head of country office should endorse the results of the HRDD risk assessment at the outset to ensure consistent application across all projects. If the assessment indicates a high risk of intended recipients committing grave violations of international humanitarian, human rights or refugee law, IOM must not engage in the provision of support to that intended recipient unless it is possible to mitigate the risk with measures integrated into the proposed plan of activities (see [mitigation measures](#) below). Under these conditions, IOM should communicate to the intended recipient that support will not be possible unless and until measures are taken to such an effect that there no longer remain substantial grounds for believing there is a real risk of grave violations occurring.

Risk assessments should be conducted at the onset of a project. For projects lasting longer than a year, annual reassessments are recommended. In rapidly changing political, conflict and human rights contexts (for example, when there is a noted increase in human rights violations in country; the onset of conflict, war or invasion; increased reports of systematic targeting of certain groups; legal reforms or decrees indicative of significant changes in how security forces are empowered to act, etc.), updated risk assessments may be required to account for these significant changes.

POTENTIAL RISKS AND RISK FACTORS

The primary focus of HRDD risk assessments is to identify and, when possible, minimize or manage the risk that the potential recipient may commit grave human rights, international humanitarian and refugee law violations (see [grave violations definition](#) above).

To evaluate this, staff are required to consider a range of elements and risk factors that will assist in determining the level of risk of engaging with non-United Nations security factors.

These elements include:

1. General state of human rights violations and the respect of rule of law in the country where the project is envisaged;
2. The record of the intended recipient(s) in terms of compliance or non-compliance with international humanitarian, human rights law, including the violation of political rights, and refugee law, and any specific records of grave violations;
3. The records of the recipient(s) in taking or failing to take effective steps to hold individual perpetrators of any such violations accountable;
4. Whether any corrective measures have been taken or institutions, or protocols or procedures put in place with a view to preventing the recurrence of such violations and, if so, their adequacy, including institutions to hold any future perpetrators accountable;
5. The relevant legislative framework and its adequacy in addressing potential and ongoing violations and use as a corrective function, and the applicable international standards governing the specific project activities;
6. Information on use of death penalty in country and whether IOM activities could contribute to its enforcement;
7. Past projects and partnerships IOM and other international and national cooperation and/or human rights entities may have undertaken with potential recipients and what the assessments and results of those partnerships were;
8. Risks linked and inherent to the project activities themselves, including the operational and reputational risks of supporting non-United Nations security actors engaged in the commission of human rights violations; and
9. A final assessment, based on the factors above and on the overall context of the support, of the risk (high, medium or low) that the receiving entity might commit grave violations of international humanitarian law, human rights law or refugee law. The assessment should also cover violations of civil and political rights and economic, social and cultural rights.

The HRDDP risk assessment can be carried out using the IOM internal risk assessment (IRA) tools, which can be found [here](#) (IOM access only).

It is important to note that when assessing the human rights record of the intended recipient, IOM staff are not expected to investigate or make a final determination on specific cases of human rights violations that have been committed in the past. Rather, the focus is on reviewing reliable information related to allegations of human rights violations that could contribute to determining the risk of recurrence in the future. See United Nations HRDDP guidance note, Sources of information for the risk assessment (pp. 20–21) for a list of United Nations and non-United Nations resources which can be consulted.

// We were approached by a donor to develop a concept note for a large project along the North East border region, involving a number of activities, including operational capacity-building of border security officials at 3 separate crossings; supporting the establishment of a regional coordination platform for improved cooperation in border security; as well as a number of community engagement policing (CEP) activities to promote better communication and trust-building between community members and the local police. However, when we conducted a human rights due diligence assessment for the different activities in the project, we identified several human rights risks that we had to factor into our choice of partners and our expected objectives for the project. For example, a credible human rights organization had recently published various reports of extra judicial killings carried out by a police unit we had been planning on supporting. Additionally, Parliament had passed a law giving the security services authority to indefinitely apprehend anyone crossing the border at one of the locations we were working with border security, in a move that was clearly targeting the minority community that crosses into the country regularly for trade purposes. This assessment allowed us to modify certain elements in the project in a way that could still provide the government and region with much needed support, whilst addressing head on the very tangible negative human rights impacts of engagement.

RISKS AND POTENTIAL ADVERSE OUTCOMES POSED BY NON-PROVISION OF SUPPORT

In addition to assessing the direct risks of providing support to non-United Nations security forces, it is equally important for IOM staff to consider the risks and potential adverse impact of not providing support. In so doing, staff should analyze the reasons why IOM was requested to provide assistance in the first instance, and whether non-provision of support could cause a greater negative impact on human rights than would otherwise be the case by providing support to a high-risk beneficiary whilst ensuring stringent mitigation measures. This requires careful consideration and balancing of various factors, particularly in cases where the “risk calculus” may not be straightforward.

ACTION 5

DEVELOPING HRDD MITIGATION MEASURES

Once risks are assessed, it is essential to think about what can be done to respond to the risks that have been identified in a way that could minimize their negative impact. *The actions, activities, systems and engagement that we put in place to minimize the potential negative impact of risks are known as mitigation measures.* Mitigation measures are an integral part of the HRDDP risk assessment process and must be integrated into projects and programmes and, where possible, communicated to recipients of support in order to minimize the risk of violations occurring.

Once specific human rights risks associated with providing support are identified, IOM staff should develop targeted, realistic actions, activities, tools or systems that can *preventatively* mitigate those risks, particularly when initial assessments indicate areas of “medium” and “high” levels of risk. Furthermore, if project activities are underway and risks/incidents have been identified, mitigation measures should be also included as *corrective* actions to enable project activities to continue where possible.

Mitigation measures may be developed and agreed upon as United Nations core mitigation measures at country or inter-agency level, where HRDDP country mechanisms exist. These core measures are usually outlined in the GPRAF and apply to all United Nations support to specific security forces or institutional engagement considered to be of medium or high risk.

Mitigation measures should also be developed at a project level by IOM alone. Mitigation measures should not be generic but should instead be developed to address the specific factors that contribute to higher levels of risk, identified during the course of the risk assessment.

Proposed measures should target *specific* factors that contribute to higher levels of risk and avoid providing generic or ambiguously targeted solutions.

Definition of mitigation measures

Box 3

Mitigation measures are measures that are established, following and as a result of the risk assessment, and are aimed at:

- Reducing the risk that grave violations may be committed during the time support is provided; and
- Ensuring that, should these violations occur, appropriate mechanisms are in place to address them adequately and bring them to an end.

// We had been supporting protection and reintegration activities in the IDP camp for a few months, when the need for better security was brought up by the women's groups we supported. Specifically, they wanted the police presence to increase in the camp, something that would only be possible if a police post was built in the vicinity of the site given the nearest station was 45 kilometres away. The Organization secured funding to build the police post and even to supply the patrolling unit with two motorbikes. But our human rights due diligence assessment determined there was a clear risk that the increased police presence could result in increased discrimination, sexual harassment and violence against women and girls, in light of the record of the police countrywide and the fact that we are working in an area where discrimination against women was unfortunately, very prevalent. The community was adamant that it wanted the police post. Consultations with women and girls in the community highlighted they would feel safer if female police officers were present at all times. Therefore we made our support to the police units contingent on the presence of at least one female police officer in the post at all times; we also worked to support efforts to train the unit present on responsive and trauma-informed prevention and investigation of violence against women and girls.

TYPES OF MITIGATION MEASURES

Specific examples of mitigation measures integrated into IOM projects:

Community awareness-raising on human rights and existing complaints mechanisms for reporting security force abuse.

Phased approach to equipment donation, starting with most low risk first and dependent on conduct of security forces during X period.

Provision of functional human rights training for security forces, directly or through partners, including based on existing regulations of relevant code of conduct.

Minimal to non-existent branding and visibility on material support provided, vehicles and infrastructure.

Locating/re-locating project activities in locations where civilian oversight systems (local authorities, oversight commissions, national human rights bodies) are also present to tackle risks associated with remoteness.

Establishment of formal or informal monitoring of security force conduct to detect cases of abuse and human rights violations, including through community participation and consultation and confidential reporting mechanisms.

Ensuring refurbishment/ construction of security force infrastructure (e.g. police stations, border posts) is designed in a way that is protective of rights and that systems are in place to minimize likelihood of abuses (e.g. location of holding cells, functioning detainee registration, presence of women officers, protocols for weapons storage and discharge, logbooks).

Ensure MOUs and deeds of donation include clauses outlining expectations regarding conduct, use and misappropriation of materials provided, including potential negative impact on future donations.

1. PROJECT-DESIGN BASED

Mitigation measures can be integrated into the terms of reference and delivery timeline of the project. For example, regular or periodic reviews can be included in the project design to systematically identify any human rights or international humanitarian law risks. When developing these measures, consider whether the programme or project provides an opportunity to withdraw, and what the costs of withdrawal would be (human, financial and political). Consider delivering IOM assistance in stages dependent on the result of human rights monitoring and evaluation.

Examples:

- **Phased approach:** Consider phased delivery of support based on fulfilment of conditionalities or successful completion of previous stages and/or the achievement of specific human rights milestones.
- **Pilot support:** consider providing low cost and/or low risk support on a trial basis to evaluate recipient's adherence to agreements, project expectations and HRDDP obligations. Such piloting may provide an opportunity to incentivize the recipient to adhere to best practices.

2. COMMUNICATIONS AND AGREEMENT-BASED

Mitigation measures can take the form of formal communication and agreements with Governments and recipients of support that set out the terms of assistance provided, including procedures to be taken if violations occur.

Examples:

- **Memorandum of Understanding (MOU):** Develop and sign an MOU with the host government, specifying HRDDP obligations, expectations, conditions of support, monitoring protocols and potential consequences for non-compliance.

- **Integrate conditionalities:**¹⁸ Consider integrating conditionalities into Terms of References (TORs) and deeds of donation that target recipient at the level of the unit/institute and/or Government at the executive and/or legislature level.
- **At the unit level:** Conditionalities could include formalized adherence to specified standards, or operational SOPs, screening and/or recruitment outcomes, monitoring and/or reporting SOPs, accountability frameworks, human rights training programmes, and/or periodical provision of updated lists of personnel serving in units.

3. STANDARD SETTING AND CAPACITY-BUILDING BASED

Mitigation measures which focus on standard setting and capacity-building can contribute to addressing specific human rights risks posed by security forces. Capacity-building in areas such as human rights, international humanitarian and refugee law and protection can all be effective, depending on the nature of the risk of violations identified through the assessment. To strengthen areas identified as factors compounding the risk of violations, training and technical assistance programmes could focus on addressing corruption,

inadequate operational and investigative skills, poor record-keeping and registration systems, and racial or sexual discrimination and bias.

Examples:

- **Provision of technical assistance and capacity-building support** that builds on existing IOM training methodologies on human rights/international migration law and integrates human rights elements into broader security training programmes (e.g. within border police training academy programmes).

¹⁸ Although the HRDDP policy does not place new requirements on Member States [pp.38], conditionalities can be agreed to and integrated into project design.

- **Integrate into the project long-term, impact evaluated training programmes** on key areas of risk, e.g. RBA, human rights, protection, rights-based border management.
- **Assist in development of codes of conduct** to uphold human rights and ethical standards, e.g. respect for human rights; non-discrimination; parameters on the use of force; protection of persons in custody; respect for the rule of law; anti-corruption, etc.

4. MONITORING BASED

Mitigation measures that put in place monitoring mechanisms to monitor risk of violations are particularly effective. Monitoring can be community based and include confidential complaints mechanisms; carried out by IOM protection teams; at the inter-agency level, in partnership with protection cluster members and/or human rights advisors; and integrated into existing project monitoring systems at entity-level. Where HRDDP country mechanisms exist, monitoring HRDDP compliance may be fulfilled at the coordination level, through an HRDDP Secretariat or task force coordinated by the most senior United Nations Official in country.

Examples:

- **Ensuring existing country-level, IOM or inter-agency protection monitoring activities and systems** include monitoring of conduct of support recipients.
- **Develop and implement project-specific grievance mechanisms** to allow beneficiaries and other affected stakeholders to raise concerns and report incidents of abuse perpetrated by support recipients, in coordination with existing community-based complaints mechanisms and structures already in place. Such mechanisms must be accessible and inclusive for all individuals, particularly those from marginalized groups, including women, racial minorities, persons with disabilities, youth and LGBTIQ+ individuals. To ensure their effectiveness, monitoring staff could also be trained to identify and respond to violations related to race, disability, sexual orientation and age.

5. STANDARD OPERATING PROCEDURES BASED

Any engagement with non-United Nations security forces at risk of committing violations should integrate activity specific SOPs that outline expectations of recipient conduct, measures for monitoring such a conduct, and procedures for conducting the project-relevant activities.

Examples:

- **Use of force guidelines:** Establish specific guidelines for the appropriate and proportionate use of force by support recipients, in line with international norms and principles as outlined in the *United Nations basic principles on the use of force and firearms by law enforcement officials*.
- **Detention procedures:** Develop contextualized SOPs for the humane treatment and management of detainees in compliance with international human rights standards, including those explicated in the *UNHCR revised guidelines on applicable criteria and standards relating to the detention of asylum-seekers and alternatives to detention*, *United Nations standard minimum rules for the treatment of prisoners (the Mandela Rules)*, *United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders with their commentary*, and *IOM guidelines for border management and detention procedures involving migrants*.

6. SCREENING AND EXCLUSION-BASED

Mitigation measures can include the exclusion of specific individuals or units from planned support, where the risk assessment has identified that the human rights record of those particular individuals or unit would significantly increase the risk of human rights violations being committed.

Examples:

- **Exclusion of individuals found to have been directly implicated** in serious human rights abuses or violations of international law, such as war

crimes, genocide, arbitrary killings, arbitrary arrests and detention, torture, sexual violence or forced displacement (see *IOM glossary of grave human rights violations* for a comprehensive checklist of grave human rights violations).

- **Exclusion of individuals who, as commanders or supervisors,** have demonstrated grave negligence by failing to prevent or hold to account human rights abuses committed by subordinates, even if they were not directly involved in the acts or violations themselves.

7. ACCOUNTABILITY-BASED

If violations have been identified in particular during the course of project activities, corrective mitigation measures can include the assurance and implementation of accountability for violations committed by support recipients.

Examples:

- **Technical assistance for accountability and oversight:** Offer support in areas such as accountability systems and enhancing civilian oversight of security forces.

- **Conditionality of support:** Make continued support contingent on recipients' adherence to cooperation with potential investigations. (see 2. Communications and agreement-based mitigation measures). Seek agreement with the receiving entity on procedures to investigate and address these incidents, on corrective measures being taken, and on steps to hold to account those responsible for the violations.

8. DATA CONTROL-BASED

Where projects involve data collection and/or analysis which identifies individuals (e.g. biometric data, intelligence data), mitigation measures should be put in place to ensure the proper control and use of the data by the users in accordance with IOM's mandatory data protection principles.

Examples:

- **Data protection policies and procedures:** Establish a clear data protection policy and accompanying procedures which are appropriately contextualized to project requirements and which are based on IOM's

data protection principles. Policy and procedures should seek to mitigate risk within each of the six stages of the data life cycle: collection, processing, storage, analysis, sharing and disposal.

- **Data-sharing agreements:** Establish clear data-sharing agreements with project partners and support recipients, outlining the terms and conditions for data collection, processing, storage, analysis, sharing and disposal. Consider integrating these terms into an MOU and/or integrating them into the TORs as support conditionalities.

For projects supporting non-United Nations security forces, and where there is a potential risk of grave violations of human rights, international humanitarian and refugee law, IOM country offices should also assess the possible negative impact of implementing standard donor and Organization visibility and branding for those particular projects.

The prominent display of IOM and donor logos at project sites, and on materials and equipment provided to security forces, should be carefully considered. The possible future misuse of forms of support branded with IOM's logo could jeopardize the Organization's ability to operate, impede its access to beneficiaries, and constitute a significant reputational risk for IOM, in particular after the project period has ended and IOM is no longer able to monitor the support provided.

Donors often allocate dedicated funds within project or programme budgets to meet visibility and branding requirements. IOM is normally expected to ensure full compliance with these requirements in line with agreed contractual arrangements. As such, any derogation or waiver of these requirements must be agreed upon in writing between IOM and the relevant donor(s).

Preliminary findings from HRDDP assessments, if conducted prior to projects commencing, can be used as part of the justification for the request to waive visibility and branding requirements. Minimizing visibility can be a useful risk mitigation measure to manage the potential negative reputational and operational impact of association with high risk support beneficiaries.

ACTION 6

DUE DILIGENCE MONITORING

Once risk assessments have been completed and mitigation measures developed and integrated into projects and programmes, it is important to establish effective **due diligence monitoring** mechanisms to detect whether any violations are occurring, track the effectiveness of mitigation measures and identify implementation issues.

Due diligence monitoring does not mean IOM staff have to undertake in-depth human rights monitoring or investigations of the conduct of security forces with which we engage.

Due diligence monitoring simply requires IOM staff to be alert to, and gather preliminary information about, any human rights violations that are committed by support recipients during the course of the project period and based on the results of the risk assessment that was conducted at the outset of the provision of support. Due diligence monitoring should also attempt to gather information about the mitigation measures themselves, whether they are working, are adequate, or require adjustment.

Due diligence monitoring should be not only integrated into the project itself to monitor possible violations occurring within the scope and duration of the project but can also be integrated as an element of a project's monitoring and evaluation framework, to measure due diligence compliance as a factor towards fulfilling project objectives. Due diligence monitoring can be achieved through the development of quantitative indicators that are measured periodically during the project phase (for example, integrated into mid-project reviews). Indicators should be able to draw information from both external sources and internal IOM ones, including from existing and relevant IOM protection assessments.



Migrant populations face heightened risks for human rights violations during their migration journey. Zahida, a single mom, faced insults and discrimination while crossing the border with her two daughters.

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Over a three month period:

To monitor violations perpetrated by IOM support recipients:

- Number of incidents of grave human rights violations committed by recipients of IOM support.
- Number of human rights concerns/incidents reported by beneficiary population in relation to recipients of IOM support.
- Number of complaints of human rights abuses received through established HRDD grievance mechanisms.
- Number of incidents of grave human rights violations committed by recipients of IOM support reported in public source materials.
- Number of incidents of grave human rights violations committed by recipients of IOM support reported internally through IOM human rights/protection.

To monitor effectiveness of mitigation (depending on type of mitigation developed):

- Percentage of training recipients who can describe their responsibility to protect human rights.
- Percentage of beneficiary population who report having knowledge of submitting grievances through established complaints system.
- Number of operational units that have adopted recommended regulations.
- Number of self-reports of misconduct within security force unit.
- Percentage increase of cases of misconduct/violations investigated by oversight/accountability body.

ACTION 7

INTERVENTION, SUSPENSION OR CESSATION OF SUPPORT

The commission of grave violations does not automatically lead to suspension or withdrawal of support. It triggers a responsibility for the United Nations entity providing support to engage with recipients and national authorities and to request them to take corrective measures and mitigate risks. Suspension and withdrawal are clearly defined as last resort options when recipients of support have failed to take adequate remedial measures to stop grave violations from continuing, investigate allegations and render accountable and sanction the perpetrators of violations.

Procedures for potential intervention and cessation of support on the basis of HRDDP risk assessments and possible outcomes should be defined at the outset of the provision of activities.

Where HRDDP country mechanisms are established, these procedures are normally outlined in the HRDDP country SOPs and agreed upon by all entities. Those procedures normally place the responsibility for formal communication on cessation of support with the most senior United Nations official in country, after consultation with all United Nations entities.

Where there is no functioning HRDDP country mechanism, IOM should set up its own internal procedure, for communicating decisions to the Government, according to each mission's mandate and operational context.

Internal procedures for intervention, suspension or cessation of support

(when not part of United Nations mechanisms) should clearly outline:

- Who is responsible at the project management/technical level for monitoring the project for violations committed by support recipients.
- Who/which individual or office is the institutional focal point for the security forces IOM is planning/providing support to.
- How the responsible staff should communicate to the COM when violations are detected.
- A section that records which course of action is chosen to address the violations that were detected.
- A section that records whether or not the course of action was successful in addressing the violations.
- At what point in the process it is decided that activities should stop or be suspended.

Example of internal procedures for intervention, suspension or cessation of support

Box 7

1. **Project:** Support to police in Darvonja/Esse Province
2. **Risk level:** Medium/High
3. **Responsible for due diligence monitoring:** Kasheea Atalla, Project Manager Community Stabilization
4. **Focal point in Darvonian Police Force:** Commander Itano Selsami, Commander of Esse Province

Procedure

Checklist

- ✓ Risk assessment completed
- ✓ Mitigation measures integrated
- ✓ Due diligence monitoring ongoing

Violations detected through due diligence monitoring

Responsible for due diligence monitoring communicates that violations have been detected with Programme Manager/COM.



Course of action agreed with COM

- Address through strengthening of mitigation measures
- Address through reporting to appropriate oversight/accountability body
- Address through agreed upon communication channels with Focal Point
- Address through exclusion of specific individuals/units

Result A

Violations adequately addressed:

Continue/Resume activities

Result B

Violations not addressed, risk of continuing or actively continuing: Suspend activities and agree to resume only when violations are addressed.

If violations are subsequently addressed:

Resume activities

If violations continue: Communicate with COM and get agreement to cease activities.

RESOURCES

IOM internal policy and tools

1. IOM (2021) Instruction on IOM implementation of the human rights due diligence policy on United Nations support to non-United Nations security forces (HRDDP) (IN/135) (IOM access only).

IOM internal risk assessment tools

2. IOM internal risk assessment tools (IOM access only).
3. Work aid: Darvonia case study and Darvonia HRDDP internal risk assessment (IRA) tool (IOM access only).
4. Options for inserting HRDD clauses in: deeds of donation (IOM access only).

HRDDP in Grants Management System for CSSM

5. Guidance note on minimum standards for HRDD in CSSM activities (IOM access only).
6. Guidance note on minimum standards for HRDD in CSSM activities/risk assessment template (IOM access only).
7. Work aid: guidance note on minimum standards for HRDD in CSSM activities/risk assessment template example completed (IOM access only).
8. CSSM project specific risks/brainstorm template (IOM access only).

United Nations wide policy and tools

9. United Nations. General Assembly Security Council (2013). Human rights due diligence policy on United Nations support to non-United Nations security forces (A/67/775-S/2013/110).
10. Draft United Nations general and preliminary risk assessment framework (IOM access only).
11. Draft standard operating procedures for implementation of the United Nations human rights due diligence policy on support to non-United Nations security forces (HRDDP) (IOM access only).

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