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**NOTE**

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from : Working Party on Human Rights  
to : PSC

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Subject : Implementation Strategy for Guidelines on Children and Armed Conflict

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The Council adopted conclusions on the biannual review of the EU Guidelines on Children and Armed Conflict in December 2005 (doc. 15309/05 + COR 1). On that basis, the Council Working Group on Human Rights (COHOM) prepared an implementation strategy for the guidelines.

PSC is invited to

- endorse the implementation strategy set out in Annex;
- task the relevant Council Working Parties to follow up on the strategy, notably CIVCOM, PMG, EUMC and CODEV;
- invite all relevant players, as mentioned in Annex, to follow up on the strategy;
- regularly review progress made on the implementation of the strategy.

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## **Implementation strategy for guidelines on children and armed conflict**

1. As agreed at COHOM of 11 January 2006, the focus in the field of Children and Armed Conflict is the implementation of the Council conclusions of 12 December 2005 on the biennial review of the EU guidelines on Children and Armed Conflict (Doc 15309/05 + COR 1).
2. The review of the guidelines, undertaken during the UK Presidency, summarises action taken by Commission, Council and Member States during the first two years of implementation of the EU Guidelines on Children and Armed Conflict, adopted by GAERC in 2004, and makes recommendations identifying main areas for further action by the EU.
3. The Council conclusions on the biennial review of the EU Guidelines on Children and Armed Conflict reaffirm the strong commitment to the promotion and protection of the rights of children, and in particular those affected by armed conflict and the need for further mainstreaming of the issue throughout the EU system, in particular into geographical and thematic groups as well as into civilian and military missions.
4. Against this background, the following steps towards the implementation of the recommendations contained in the biennial review will be undertaken. Upon endorsement by PSC, the Presidency, or, as appropriate, Member States and the Commission, will initiate implementation of the steps contained below, including by issuing instructions to EU HoMs, in particular in priority countries. As envisaged in the Council conclusions, COHOM will continue to regularly review progress towards implementation of the Guidelines and action taken in response to the recommendations made.

## **A. Monitoring and Reporting (para 10-11 of the Guidelines)**

**Recommendation 1:** HoMs in all countries affected by armed conflict, not just "priority countries", should include thorough reporting on this subject in their EU Human Rights Fact sheets. In order to minimise the reporting burden on HoMs, this will meet the requirement for regular reporting contained in the Guidelines. However, this should not stop HoMs from reporting more regularly where developments on the ground merit this, nor should it prevent COHOM from requesting additional reporting on an ad hoc basis, for example to facilitate the preparation of demarches. The Presidency should continue to monitor the reporting and request further input from HoMs where fact sheets do not address this issue satisfactorily. The Presidency and Council Secretariat should promote the use of the fact sheets as planning tools across the EU, including in planning for civilian and military operations.

### Steps towards implementation :

- The updated version of the EU Human Rights Fact Sheet explicitly refers to the guidelines on CAAC under the heading Children's Rights. Updates of the EU Human Rights Fact Sheets should therefore contain more information on CAAC.
- Furthermore, the Presidency will issue instructions to Homs particularly in priority countries on the implementation of the guidelines and follow up to demarches carried out in pursuit of their reports.
- Presidency will continue to monitor reporting and to request further input from HoMs whenever needed to complement information provided in the fact sheets and other reporting (see also reporting foreseen under Recommendation 2 and steps proposed under Recommendation 8 on demarches).

- HoMs will be requested to include in all relevant reporting information on the situation of children affected by armed conflict. They will be provided with guidance on reporting on CAAC by the Presidency, including cooperation with child protection partners and consideration of relevant existing reporting and in particular Concluding Observations of the Committee on the Rights of the Child under the Convention on the Rights of the Child and its Optional Protocol on Children and Armed Conflict.
- All relevant actors (Member States, Council Secretariat, Commission etc.) will be invited to continue and intensify their efforts to inform and raise awareness on the existence and the purpose of the revised Human Rights Fact Sheets, including on CAAC.
- Commission to send a reminder and specific guidance to its Delegations in the focus countries concerning the implementation of the Guidelines.
- The Presidency and Council Secretariat will make available Human Rights Fact Sheets for the use in planning of civilian and military operations.

**Recommendation 2:** The EU should co-operate closely with UN bodies in taking forward the Security Council's request to the Secretary-General to implement the monitoring and reporting mechanism provided for in SCR1612. EU HoMs in countries named in the annexes to the Secretary-General's report of 9 February 2005 should meet the UN bodies responsible for implementation locally to discuss how best to provide support. In particular, they should be involved in the local Child Protection Networks to ensure EU reporting complements existing efforts. EU delegations in New York should contact the UN Secretariat with a view to supporting the mechanism at UN HQ level. Relevant EU working groups should consider whether it would be helpful to produce a paper on EU implementation of this resolution, similar to the one produced on implementation of SCR1325 on women, peace and security (doc 11932/2/05 REV 2). Where appropriate, and bearing in mind the classification of the human rights fact sheets, the EU should consider sharing elements of its reporting with UN bodies to further implementation of SCR1612.

### Steps towards implementation:

- Instructions to HoMs in priority countries (see above) to cooperate closely with and support UN bodies in priority countries in promoting the development of a task force on monitoring and reporting, as well as the development of local child protection networks. EU HoMs to meet with UN Country Teams, Peacekeeping Operations and existing Task Forces on Monitoring and Reporting to discuss how best the EU can support the implementation of UNSC 1612 locally. HoMs to report back by 1 June on actions undertaken to this end.
  
- EU-HoMs to engage with existing Task Forces on Monitoring and Reporting and local Child Protection Networks in order to be fully informed on key concerns for the protection of children and in order to inform reporting activities.
  
- EU, including Commission and Member States to give priority attention to supporting the establishment and activities of local Child Protection Networks, as well as Task Forces on Monitoring and Reporting.
  
- Presidency to issue instructions to HoMs in New York to report on the state of implementation of the monitoring and reporting mechanism as contained in UNSCR 1612 and to propose appropriate steps by the EU to ensure progress in this regard. This should include engaging with the new UN SRSG/CAAC and UNICEF with a view to supporting the establishment of the mechanism at UN HQ level and country level and making clear the full support of all EU member States for the continued involvement of the Security Council and its newly established Working Group on Children and Armed Conflict. EU HOMS to follow closely the work of the UNSC Working Group on Children and Armed Conflict. Also, EU-HoMs to follow-up on UNICEF consultation on the updating of the Cape Town Principles and Best Practices on the Recruitment of Children into the Armed Forces and on Demobilisation and Social Reintegration of Child Soldiers (see also Recommendation 14).

- PMG has already initiated discussions on implementation of UNSC 1612 on children and armed conflict, similar to the implementation of UNSCR 1325 on women, peace and security. COHOM, Council Secretariat and Commission to support this process.

**Recommendation 3:** Children and armed conflict should be included in the mandates of all EUSR in countries affected by armed conflict when they come up for renewal.

Steps towards implementation:

- CAAC are explicitly included in mandates of EUSR for Great Lakes and Sudan. The question of explicit inclusion of CAAC in mandates of other EUSR will be kept under review. All EUSR mandates already include more general provisions on human rights.

- HR/SG Personal Representative on Human Rights PR/HR to write letters to all EUSR pointing to the evaluation of the guidelines on CAAC and on key issues of relevance to EUSR, as appropriate.

- The Guidelines on Children and Armed Conflict to be presented and discussed at meetings of EUSR.

- EUSR's to include in their reporting information and recommendations on the protection of children, as appropriate, and taking into account the different impacts of conflicts on girls and boys.

**Recommendation 4:** Gender should be mainstreamed in all reporting. HoMs and EUSRs should take account of the different impacts of armed conflict on girls and boys in their assessments and recommendations for action, including the double stigmatisation of girls associated with armed groups.

Steps towards implementation:

- The instructions to HoMs on updating EU Human Rights Fact Sheets explicitly point to the requirement of addressing gender concerns and promoting gender mainstreaming in reporting on the issue of CAAC.
  
- Furthermore the general instructions on the implementation of the review of the guidelines which will be sent out to all HoMs in priority countries will also cover the issue of girls in armed conflict, highlighting issues such as the participation of girls in hostilities, their protection as victims, and challenges in their demobilisation and effective reintegration.
  
- Letters of PR/HR to EUSRs to highlight gender aspect of the issue.
  
- The EU, the Commission and Member States shall give specific attention to the protection of girls and women from sexual violence, abuse and exploitation, including promoting assistance and support for survivors of sexual violence, such as health care, psychosocial support, vocational training and support for children born of sexual violence and exploitation in conflict zones.
  
- Specific attention should be given in the context of EU support to DDR programmes to the specific needs of girls.

## **B. Assessment and Recommendations for Action (para 12)**

**Recommendation 5:** The EU should retain the list of priority countries (including Afghanistan, Burma and Nepal, but excluding Rwanda and Sierra Leone) as a point of reference. As part of the effort to ensure complementarity with UN initiatives it should also bear in mind the priority countries listed in the annexes to the Secretary-General's reports on this issue. In the first instance the Philippines and Somalia should be added to the EU's own list. However, these priority lists should not be seen as exhaustive and HoMs reporting and other reliable sources should dictate when and where action is required. COHOM should keep the list of priority countries under review and update it when necessary, based on the full range of reporting available to it.

### Steps towards implementation:

- The list of priority countries after the evaluation of the guidelines now reads as follows:  
Afghanistan, Burma, Burundi, Colombia, Cote d' Ivoire, DRC, Liberia, Nepal, Philippines, Somalia, Sri Lanka, Sudan, Uganda.
  
- HoMs in these countries will be asked to closely monitor the situation of CAAC, and to suggest appropriate EU action. COHOM and regional working groups will keep the situation of CAAC in these and other countries undergoing armed conflict under review and invite HoMs to provide further information as appropriate.
  
- COHOM will review the list of priority countries once a year with a view of updating it when necessary, taking also into account UN initiatives and decisions in this regard.

**Recommendation 6:** The Chair of COHOM should circulate this review to the Chairs of all relevant EU working groups, drawing particular attention to the recommendations.

Steps towards implementation:

- Council Secretariat will be asked to circulate the review and implementation strategy to all relevant EU working parties, inviting them to appropriate follow-up and offering guidance and support to this end.

**C. EU Tools for Action in Relations with Third Countries Demarches (para 14)**

**Recommendation 7:** Follow-up action should be taken based on the outcome of the round of demarches conducted in 2005. This should include:

- SUDAN: Troika/EUSR to follow up with the Government on possible EU support for an East African regional conference on the AU Protocol on the Recruitment of Children in War and to ask what progress has been made since the appointment of the Government of National Unity.

- LIBERIA: HoMs to consult with UNICEF about how they could most usefully apply pressure for ratification of the CRC Optional Protocol.

- DRC: Troika/EUSR to follow up with the Minister for Women's Affairs and Family Welfare to see what assistance the EU could offer in support of her Code for the Protection of Children.

- BURUNDI: Troika/EUSR to lobby the Government specifically on the Optional Protocol to the CRC. The instrument of ratification has been ready for some time but the process appears to have stalled.

Steps towards implementation:

- These issues will be included in the instructions to HoMs in these priority countries. HoMs will be asked to follow up on these issues raised during the last round of demarches. In the case of Uganda, the issue of security of IDP camps shall be pursued with the authorities.

**Recommendation 8:** With a view to replicating one of the most effective tools employed under its other human rights guidelines, the EU should consider demarching on children and armed conflict in response to urgent action appeals. Given the nature of the Guidelines such demarches would not involve individual cases but could highlight urgent situations of concern, where a deterioration in the situation on the ground had particular implications for the rights of children. HoMs in priority countries and the NGO coalition should be encouraged to alert the Troika and, where appropriate, EUSRs and Heads of ESDP missions when such situations arise.

Steps towards implementation:

- Presidency will instruct HoMs to monitor the situation of CAAC, in close collaboration with relevant UN bodies, in particular the UN country teams and the task force on monitoring and reporting, and – where they exist – child protection networks and to report on urgent situations of concern with recommendations and terms of reference for appropriate action by EU Presidency, Troika and/or EUSRs vis-à-vis relevant parties to the conflict.

- Presidency to remind and encourage NGOs to inform the EU on urgent situations of concern.

- Presidency and where appropriate Commission, EUSR or PR/HR will consider follow up to urgent action appeals. Results of demarches and need for further action to be assessed regularly by HoMs and COHOM.

**Recommendation 9:** COHOM should consider the possibility of a second round of lobbying. This could include follow-up to the demarches already carried out or might target countries affected by armed conflict but not included on the "priority" list. The terms of reference for demarches should be clearly defined and should aim to achieve specific and verifiable results. Where appropriate follow-up demarches should be undertaken to gauge the effectiveness of previous lobbying and HoMs should be invited to provide suggestions for next steps.

Steps towards implementation:

- As a first step the Presidency will conclude the first round of demarches by undertaking a demarche concerning Afghanistan on key child protection concerns as reflected in Human Rights Fact Sheet and relevant reporting by HoMs and the EUSR. HoMs in the new priority countries Somalia and Philippines will be asked to report substantively on the issue of CAAC within the update of the EU Human Rights Fact Sheets and to identify areas of particular concern for appropriate EU action.
- A second round of demarches is envisaged on the basis of recommendations by HoMs in response to the planned instructions to HoMs in particular in priority countries. Timing and exact Terms of Reference will depend on information provided by HoMs. HoMs to consider whether/when elements of demarche could be made public to raise local awareness.
- In line with EU policy concerning the integration of human rights into political dialogues with third countries, EU (Presidency, Commission, Troika) to address the protection of children affected by armed conflict in meetings, dialogues and consultations with third countries, as appropriate, in particular with priority countries. Issues to be addressed shall be based on reporting by HoMs and findings of other relevant actors and include question of ratification and implementation of Optional Protocol to the CRC on Children and Armed Conflict.

**Recommendation 10:** The EU could lobby more widely for support of the monitoring and reporting mechanism provided for in SCR1612.

Steps towards implementation:

- As mentioned under Recommendation 2, the Presidency will instruct HoMs in New York to engage with the new UN SRSG/CAAC and UNICEF with a view to supporting the establishment of the mechanism at UN HQ level and at country level. EU will participate actively in relevant discussions and debates in the UNSC and UNGA.
- EU to raise the issue with third countries during political dialogue meetings.
- The EU, including EU Member and the Commission, to give priority attention to support to programs and projects aimed at implementing the monitoring and reporting mechanism provided for in SCR1612 at both UN HQ and country level.

**D. Multilateral Co-operation (para 15)**

**Recommendation 11:** To further mainstream children and armed conflict in the activities of the Commission, the Guidelines should be taken into account in the Communication on Children's Rights.

Steps towards implementation:

- The Commission will take the Guidelines on CAAC into account in the preparation of the Communication on children's rights and the subsequent Framework Programme.

**Recommendation 12:** The Plan of Action should be retained for so long as its content remains current to inform the work of the Commission, Member States and HoMs locally. It should be superseded in due course by the EU human rights fact sheets which will report on children and armed conflict and, where appropriate, should serve as a basis for identifying useful political and programme interventions.

Steps towards implementation:

- The Plan of Action will continue to serve as a basis for political action and programme interventions by the Commission, Member States, and HoMs locally.
- With the revised structure of the Human Rights Fact Sheets, CAAC will be more explicitly addressed in the ongoing updates of Human Rights Fact Sheets with the aim of providing better information on CAAC aspects, serving as a basis for appropriate action and programming. The Commission will use HR Fact Sheets as a source of information on CAAC for Country Strategy Papers and programming.
- In particular concerning priority countries, the Commission will give special attention to the Guidelines on CAAC and the issues identified in the implementation strategy in ongoing programming for the period 2007-2013.

**Recommendation 13:** With a view to further mainstreaming children and armed conflict in the EU and in light of the relevance of the Guidelines to development co-operation, CODEV should be engaged on these issues. This could form part of a broader presentation on the human rights aspects of development co-operation from the PR/HR.

Steps towards implementation:

- PR/HR to be asked to include CAAC during a presentation to CODEV on human rights aspects of development cooperation.
- Where applicable, Commission to include CAAC in its proposals presented at CODEV and EU development policy more generally.
- CODEV, with the support of the Commission, to develop policy on integrating the protection of children affected by armed conflict into EU development policy and programmes.

**Recommendation 14:** The Guidelines should be taken into account in all SSR and DDR concepts.

Steps towards implementation:

- PMG, CIVCOM and EUMC will seek expertise from relevant UN agencies and NGOs on the integration of the protection of children in SSR and DDR concepts in general and in programmes concerning specific countries and situations in particular.
- EU, including Member States and the Commission, to advocate for and provide support to special attention to children in DDR and reintegration programmes, with special emphasis to the particular challenges if girls in their demobilisation and effective reintegration.
- EU to follow-up on the upcoming UNICEF consultation on the updating of the Cape Town Principles and Best Practices on the Recruitment of Children into the Armed Forces and on Demobilisation and Social Reintegration of Child Soldiers. Key recommendations to be included in EU advocacy and program activities.

- EU, including Member States and the Commission, to give particular attention to the protection of children in SSR concepts and programmes, including the reform and strengthening of the juvenile justice system, including standards, capacity and expertise in the judiciary and law enforcement in line with international standards.

- The EU, including Member States and the Commission, to advocate for accountability for crimes against children in situations of armed conflict and to provide support to programmes ensuring the protection of children involved in accountability or truth-seeking mechanisms.

#### **E. Crisis Management Operations (para 16-17)**

**Recommendation 15:** Although first steps have been taken, the potential of these Guidelines as a tool for mainstreaming children and armed conflict through all parts of the EU system has not yet been realised. This is particularly relevant in the area of crisis management. The appointment of the PR/HR provides an opportunity to address this. COHOM should support any further visits by the PR/HR to relevant working groups (eg the Pol-Mil working group); follow-up with EUSRs on the idea of having human rights focal points on their staff; and lobbying for inclusion of staff responsible for - and with expertise in - human rights in all ESDP missions. Member States should also use the Guidelines as a mainstreaming tool in the national context.

#### Steps towards implementation:

- PR/HR has participated in meetings of CIVCOM, EUMC and, on 12 January of PMG, where he addressed among others the guidelines on CAAC and reinforced efforts to include human rights and CAAC in mandates of operations and to include staff responsible for human rights including CAAC and gender in all ESDP missions. This engagement should be continued and deepened.

- Aceh Monitoring Mission (AMM) includes human rights expertise. Human rights related lessons identified in context of AMM to be applied to other ESDP mission where relevant.
- PR/HR advocating with EUSRs on the inclusion of staff/advisor on human rights/gender/CAAC in their offices.
- EUSRs and Heads of EDSP missions are encouraged to use the guidelines and this implementation strategy in their efforts to integrate child protection in their work. COHOM will engage with EUSR's on the implementation of EU Guidelines, including on CAAC.
- Member states are encouraged to use the guidelines and this implementation strategy in their national efforts to integrate child protection in all policy fields and to provide human rights expertise in response to calls for contributions in the context of specific ESDP missions.

**Recommendation 16:** Human Rights issues should be considered systematically in the early stages of planning of ESDP missions. Advice from the PR/HR should be sought as appropriate.

Steps towards implementation:

- In line with its ESDP mandate, the Presidency, assisted by the Council Secretariat, will seek to ensure that relevant human rights aspects, in particular children's rights and the guidelines on CAAC, are taken into account and integrated in all phases of operations, especially during the planning phase. Advice will be sought from the PR/HR, as well as other relevant sources, as appropriate.
- PMG has already initiated discussions on implementation of UNSC 1612 on children and armed conflict, similar to the implementation of UNSCR 1325 on women, peace and security. COHOM, Council Secretariat and Commission to support this process. (see Recommendation 2).

- The Presidency will organize regular briefings to COHOM on the human rights aspects of ESDP missions, including CAAC, and activities of the CIVCOM, PMG and EUMC in this regard.

- Presidency envisages organizing relevant briefings to COHOM on activities by relevant UN Agencies and NGOs on CAAC, including those relating to implementation of UN SC Resolution 1612.

- See also Recommendation 15

## **F. Training (para 18)**

**Recommendation 17:** The European Group on Training should consider inviting DPKO or Save the Children to provide information on the training manual on child protection. Member States should ensure that child protection issues are adequately covered in their national training programmes. All relevant parts of the EU system should consider how to integrate training as a tool for implementing these Guidelines.

### Steps towards implementation:

- European Group on Training and the European Security and Defence College are encouraged to invite DPKO, OHCHR, UNICEF and Save the Children to present a training on child protection.

- CIVCOM to consider future training needs for civilian crisis management in spring with a view to better structuring of mission staff and to agreeing basic standards of training for all mission staff. Human rights component, including CAAC, to be included in this exercise.

- At his visit to PMG PR/HR also reinforced efforts to systematically include human rights and guidelines on CAAC into training.

- Child protection issues are included in the scenario planning for the Crisis Management Exercise 2006 (CME06). Lessons learned in this respect from the exercise to be taken into account in future operations and exercises.

- The Council and the Commission to include the Guidelines on CAAC in existing and planned training programmes for all staff on human rights and child rights. Seek the support of OHCHR, UNICEF and Save the Children for such programmes.

- Human rights training to EC staff, which already includes a part on children's rights, should systematically contain a specific part on CAAC.

- Commission to organise a specific training on CAAC to the personnel in the HQ and to personnel in Delegations of the focus countries and other countries concerned by the phenomenon.

- Member states are invited to adequately cover child protection issues in their national training programmes, in particular for military and civilian personnel deployed in EU missions.

#### **G. Follow-up (para 20)**

**Recommendation 18:** The biennial review of these Guidelines provided a useful opportunity for the EU to assess implementation to date and to discuss how to accelerate implementation. COHOM should continue to evaluate progress as appropriate, including taking stock of implementation as part of the annual review of its work.

Steps towards implementation:

- COHOM will review implementation of guidelines on CAAC as part of the annual review of EU human rights policy.

- In addition and as envisaged in the Council conclusions, COHOM will continue to regularly review progress towards implementation of the Guidelines and action taken in response to the recommendations made, based on the implementation strategy. Input from relevant Council Working Groups will be sought to this end.

- Presidency, incoming Presidency, the Council Secretariat and the Commission will collaborate and coordinate closely on progress in the implementation of the guidelines including regular meetings with the aim to increase exchange of relevant information.

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