



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 May 2008

9693/08

**COSDP 421
COPOL 37
CIVCOM 253
COHOM 54
DEVGEN 80
PESC 618
RELEX 337
CONUN 51**

NOTE

from : Political and Security Committee
to : Delegations

Subject : General review of the Implementation of the Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations

Delegations will find attached the General review of the Implementation of the Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations, as agreed at the PSC meeting on 21 May 2008.

GENERAL REVIEW OF THE IMPLEMENTATION OF THE CHECKLIST FOR THE INTEGRATION OF THE PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT INTO ESDP OPERATIONS

References

- A. EU Guidelines on Children and Armed Conflict (doc 15634/03)
- B. Strategy for the implementation of the CAAC Guidelines (8285/1/06)
- C. Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations (doc 9767/06, dated 23 May 2006)
- D. "Mainstreaming Human Rights and Gender into European Security and Defence Policy - Compilation of relevant documents" (doc 11359/07 dated 29 June 2007)
- E. UNSCR 1612 (2005) on Children and Armed Conflict
- F. EU Guidelines for the Promotion and Protection of the Rights of the Child, Dec 07.
- G. [Council Conclusions on the Promotion and protection of the rights of the child in the EU External action)].

Introduction

1. Following a presentation by the Presidency on the importance of enhancing the EU response to Children Affected by Armed Conflict (CAAC) and the discussion which followed, the PSC on 15 January 2008 discussed inter alia the need to address practical implementation issues and on how the checklist is being used in practical terms in ESDP missions/operations. The co-operation with the UN in this field would also need to be further examined, as well as the actual role of the NGOs. With regard to the many EU-actors involved emphasis was also made on the need for a further unified EU action with regard to Children Affected by Armed Conflict. The PSC was to revert to this issue at a later stage.

2. The PSC requested the PMG to conduct a general review of the implementation of the Council document Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations.
3. The PMG recalled the crucial role of the different actors involved in ESDP missions/operations, heads and staff of ESDP missions/operations and EUSRs, within their respective mandates, Member States, the CGS and all other relevant EU bodies, in implementing the measures proposed by the checklist. The implementation of the checklist will be included in assessments and reviews of specific missions/operations.
4. The checklist is included in the Council document Mainstreaming Human Rights and Gender into European Security and Defence Policy - Compilation of relevant documents, and is being implemented in the development as well as the revision of documents within the EUMS, CPCC, DGEIX and DGEVIII. This is for example the case with regard to the revision of the Logistics concept and planning documents.
5. So far, there has been little documented experience from ESDP missions/operations concerning the checklist as such and its practical implementation. On this basis the PMG recognized the need to further examine the actual implementation of the document, in order to get a more detailed facts oriented base, and to be able to further assess the implementation of doc 9767/06.
6. Building on the recommendations of the checklist, the PMG also recommended that a review of the implementation of the checklist should be prepared by the CGS, in close collaboration with the Commission services. The overall review, which should be based on reports from actors mentioned in paragraph 3 and with regard to a number of specific civilian and military ESDP missions/operations, corresponding to the relevant questions in a defined questionnaire.
7. The aim would be to prepare Council Conclusions on CAAC to be adopted by the joint Foreign and Defence Ministers' session in May/June GAERC. It should include the revised Checklist.

The analysis of the responses to the questionnaire

8. The reaction to the questionnaire sent out to relevant actors involved in ESDP missions/operations has been positive with regard to the checklist provisions as such. A majority of HoMs, EUSRs and Member States have responded thoroughly to the questions forwarded.
9. There is an overall satisfaction with the outline and the wording of the checklist itself. The checklist is generally viewed as an exhaustive/comprehensive and for its purposes well developed document. However, there is a general belief that there are a number of issues and limitations with regard to the implementation of the document which are missing or should be better addressed.
10. The dispatching of the questionnaire itself has already served an important purpose in putting additional focus on the CAAC issue and the further implementation of the checklist among actors involved in ESDP missions/operations.
11. There is a general awareness of the existence of the checklist among the relevant actors, but more advocacy and further information on the checklist would clearly be needed.
12. There is a clear vision that child protection and CAAC issues are relevant to all actors involved in ESDP missions/operations. However, CAAC is seen as somehow abstract, in the EU as well as the national perspective.
13. The Council document "Mainstreaming Human Rights and Gender into ESDP - Compilation of relevant documents", has generally been taken into account in missions/operations, even though improvements in terms of implementation could be made. There are some missions/operations where there is a more explicit awareness of the EU Guidelines and Checklist on CAAC. Publication of the unclassified version as well as the preparation of CAAC cards would help the relevant target public in planning and conduct of operations, and enhance public awareness on child protection and CAAC.

14. CAAC is commonly included in the overall Human Rights perspective, meaning that it is included in the planning and conduct of ESDP missions/operations in general, but without explicit focus on the issue as such. CAAC often forms an integral part of a mission/operation's human rights and gender strategy.
15. There has not been any child protection and CAAC advisor, who is exclusively focusing on CAAC issues, appointed. The Legal/Human rights/Gender advisors within their respective tasks often also cover child protection and other CAAC issues, but it would be better to appoint specific child protection and CAAC experts. In the situations where human rights/gender/child rights are seriously violated CAAC are not given the attention they need.
16. More specialized pre-deployment and in-mission training solely on CAAC issues (for military and civilian personnel), in Member States as well as at GCS/Brussels level, generally needs to be developed/enhanced. A number of Member States offer relevant training on i.a. Rules of Engagement, Code of Conduct, Generic standards of behavior and overall Human Rights issues, but few have a more explicit focus on CAAC as such. For these purposes, ESDC can be used, specialized workshops should continue, specialized NGOs and UN agencies should be more widely consulted and specific national expertise shared at the EU level.
17. There is a general feeling that public awareness initiatives on child protection and CAAC issues on the ground, in Brussels, as well as in Member States should be supported whenever possible. They should contain appropriate levels of cultural/local awareness training, explicitly taking into account specific regional circumstances and regional differences.
18. The reporting practices (to Brussels) from HoMs and EUSRs, in order to gain further experience concerning the checklist as such and its practical implementation in conjunction with ESDP missions/operations need to be further evolved. More regular reporting on CAAC issues in ESDP mission/operation reports or EUSR reports is required, where appropriate.
19. Further sharing of information/lessons learned/best practices with regard to CAAC issues; between HoMs, EUSRs, Member States, and Brussels; would support the general implementation of the checklist provisions.

20. Particularly in certain regions/areas of operation the co-operation with other international actors, including NGOs, on CAAC is well developed. Good co-ordination and information sharing, in particular with the monitoring and reporting mechanism established on the basis of UNSCR 1612, is needed in order to avoid overlapping of initiatives and to reinforce the impact in favor of CAAC. Further co-operation and co-ordination is deemed useful.
21. A need to verify whether additional projects to reintegrate child soldiers could be funded, especially in countries under the EU's Priority List, was also identified.

Conclusion

22. On the basis of the analysis of the response to the questionnaire PMG recommends concrete amendments to the Checklist.

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CHECKLIST FOR THE INTEGRATION OF THE PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT

1. On 11 April 2006, PSC endorsed the implementation strategy for the Guidelines on Children and Armed conflict (doc. 8285/06), which was prepared in follow-up to the conclusions of the Council on the biannual review of the EU Guidelines on Children and Armed Conflict in December 2005 (doc. 15309/05) and tasked the relevant Council Working Parties to follow up on the strategy.
2. The Guidelines on Children and Armed Conflict, the biannual review and the implementation strategy contain specific provisions, recommendations and concrete steps for the integration of the protection of children affected by armed conflict into ESDP missions and operations.
3. PSC on 15 January 2008 discussed implementation issues and how the checklist is being used in practical terms in ESDP missions/operations. The PSC requested the PMG to conduct a general review of the implementation of the Council document Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations (doc 9767/06).
4. The PMG recalled the crucial role of the different actors involved in ESDP missions/operations, heads and staff of ESDP missions/operations and EUSRs, within their respective mandates, Member States, the CGS and all other relevant EU bodies, in implementing the measures proposed by the checklist.
5. So far, there has been little documented experience from ESDP missions/operations concerning the checklist as such and its practical implementation. Thus, the PMG recognized the need to further examine the actual implementation of the document, in order to get a more detailed facts oriented base, and to be able to further assess the implementation of doc 9767/06. For this purpose, the questionnaire has been prepared and circulated to EUSRs, HoMs, Member States the Commission and the Council Secretariat. Answers and reports from the relevant actors constitute a basis for a general review and amendments to the Checklist.

6. This paper provides a revised checklist for the integration of the protection of children affected by armed conflict into ESDP operations.
7. PSC tasked EUMC and CIVCOM to consider the revised Checklist with a view to endorsement of its final revised version.

I. Introduction

In recent years, the protection of children in situations of armed conflict has been squarely put on the international peace and security agenda. In several resolutions, most recently in its resolution 1612 (2005), the UNSC expressed its resolve to give special attention to child rights and protection and developed a comprehensive framework for the protection of children affected by armed conflict. The UNSC, i.a., called upon parties to armed conflicts to include child protection provisions in peace agreements and to address child rights concerns throughout the consolidation of peace in the aftermath of conflict; in recognition of the critical role UN operations play in providing protection to children, the UNSC has explicitly incorporated the protection of children into mandates of UN operations.

GAERC adopted Guidelines on Children and Armed Conflict in December 2003, with the aim to influence third countries and non state actors to take effective measures to protect children from the effects of armed conflict, to end the use of children in armies and armed groups, and to end impunity. The Guidelines emphasise that the EU will give special attention to the protection, welfare and rights of the child in armed conflict when taking action aimed at maintaining peace and security and contain specific undertakings to this end. The Council conclusions on the biannual review of the EU Guidelines on Children and Armed Conflict of 2005 reaffirm the strong commitment to the promotion and protection of the rights of the child, 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 Council Working Groups as well as into ESDP missions and operations.

In December 2007, EU Guidelines for the Promotion and Protection of the Rights of the Child were adopted. Continued focus on CAAC resulted in adoption of the Compilation of relevant documents on “Mainstreaming Human Rights and Gender into European Security and Defence Policy”. [From the development and humanitarian perspective, Council Conclusions on the Promotion and protection of the rights of the child in the EU External action are equally important.] In parallel, COHOM up-dated the EU Guidelines for the Promotion and Protection of the Rights of the Child gave the necessary framework for the revision of the Checklist.

Since the adoption of the key documents, particular emphasis has been put on their implementation. It is important to recognise the complex impact of the armed conflict and post-conflict environment on children, including human rights, gender, development and security dimensions.

Objectives of the Checklist

The present Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP mission and operations seeks to ensure that child rights and protection concerns are systematically addressed from the early planning through the implementation of ESDP missions and operations. The document is intended for use by staff responsible for mission planning and support, and by the EUSR, as well as the Head of mission/Commander in the field. In addition, the Checklist refers to child protection concerns that are addressed by all mission staff, as child protection concerns can be core functions for some staff, they should be taken into account by all members and/or components of an operation.

II. The inclusion of child protection and CAAC in mandates of ESDP operations and mission planning

The rights of the child, and in particular the protection of children in armed conflict shall be taken into account and integrated in all phases of operations, both during the planning and implementation phase. Advice shall be sought from the PR/HR, as well as other resources, as appropriate.

Protection of Children affected by Armed Conflict encompasses inter alia protection of children from family separation, recruitment into armed forces or armed groups, exploitation and gender based violence, physical harm and psychosocial distress.

During mission planning, preparations or mandate review:

- Incorporate relevant child protection issues explicitly into the terms of reference for planning and assessment missions and include child protection expertise in planning missions for the establishment of ESDP operations. The operational planning should take into account the specific needs of children, bearing in mind that the girl child is often in a particularly vulnerable situation.
- Address key child protection concerns in planning documents for ESDP missions and operations. Relevant issues include: institution-building or strengthening initiatives that address child rights concerns (juvenile justice administration, legislative reform, training for local police, penitentiary and justice administration officials, strengthening local child rights NGO capacity); child-conscious DDR and SSR; child-conscious landmine clearance and awareness programmes.
- Include the child protection and CAAC dimension as an integral part of information strategy for specific ESDP mission/operation.
- Support public awareness initiatives on child protection and CAAC issue on the ground, in Brussels, as well as in Member States whenever possible. They should contain appropriate levels of cultural/local awareness training, explicitly taking into account regional differences.
- Ensure that the proposed mission mandate addresses key child protection concerns, in particular those mentioned in peace agreements and provides for monitoring, verification and follow-up to the child protection matters addressed in the peace process or in peace agreements, as appropriate. Relevant operational planning documents shall explicitly address key child protection concerns, including the involvement of children with fighting forces in the mission area.

- Incorporate relevant child protection issues explicitly into the terms of reference for assessment and review missions and lessons learned processes.
- In the planning and implementation of ESDP missions and operations, as well as the review and lessons learned processes, seek the advice, cooperation and support from relevant international partners, in particular UNICEF, SRSG/CAAC, OHCHR and NGO partners.
- During all phases of missions and operations, seek the collaboration with relevant international partners, in particular UNICEF, SRSG/CAAC, OHCHR and NGO partners, to facilitate the identification of and cooperation with existing local Child protection networks and/or Task forces for Monitoring and Reporting.

III. Operational aspects of protecting children within ESDP missions and operations:

Mission practices and policies on the ground

EUSRs, Heads of ESDP missions and Commanders will integrate the protection of children affected by armed conflict into their work, in accordance with their specific mandate, as well as the EU Guidelines on Children and Armed Conflict. EUSRs, Heads of Mission and Commanders should in particular:

Mainstreaming child protection activities throughout the operation:

- Develop a mission-wide approach to implementing the child protection aspects of the mission's mandate and consider how each component of the mission might take account of child rights concerns.
- Include the situations of child rights and violations in all monitoring and reporting activities of the mission, particularly when the parties have made specific commitments in this regard.
- Integrate a gender and age perspective into all policies, programmes, projects, monitoring and data collection. This includes disaggregating all data by sex and age, to the extent possible.

- Publish and distribute a declassified version of the Handbook on “Mainstreaming Human Rights and Gender into European Security and Defence Policy - Compilation of relevant documents” (doc 11359/07 dated 29 June 2007) in order to reach the broadest possible target audiences, including in the fields of training, education, cooperation, awareness and information purposes.

Reporting on child protection and CAAC issues:

- Ensure that the PSC is appraised, in particular through reports and briefings, of the child-relevant aspects of the peace process.
- EUSRs, Heads of Mission and Commanders will include in their regular periodic reports a comprehensive analysis of the effects of conflicts on children, in particular violations and abuses against children, as well as evaluations of the effect and impact of EU actions on children in conflict situations. Regular reports should include qualitative and quantitative indicators and, inter alia, the following elements:
 - up-date on cases of gross violations of child rights and security threats;
 - mainstreaming activities on child protection within the mission;
 - cooperation with international and local partners on the ground,
 - local awareness raising activities of the mission;
 - SSR and DDR-related activities;
 - Difficulties encountered in these activities.
- Child rights monitoring and reporting mechanisms should be assured even in a difficult security situation.

Child protection expertise in ESDP missions and operations:

- Missions will include staff with expertise in and responsibility for human rights questions, including children and armed conflict. Such staff would serve as focal point and centre of technical expertise on all issues relating to the protection of children and advise and support the Head of Mission and other staff, as appropriate.
- ESDP missions/operations operating in the environment where the risk of grave violations of child rights is particularly high should have an expert designated for Child protection and CAAC issues.
- Child protection and CAAC expert should be able communicate on specific CAAC issues directly with appropriate competent structures within the Council and Commission services.

Supervision and disciplinary issues:

- Ensure that all ESDP personnel are fully informed and trained on the Generic Standards of Behaviour for ESDP Operations. Their implementation shall be regularly reviewed and evaluated.
- The Council General Secretariat and the Commission services are encouraged to design CAAC cards to be used by ESDP missions and operations staff as well as for training purposes and awareness raising, as applicable.
- In the event of allegations of misconduct involving a child is attributed to mission personnel, ensure immediate and thorough child-sensitive investigations and follow-up. The conduct of such investigations should be initiated by the competent law enforcement authorities. Such investigations should be conducted by specialists in this area.

Collaboration with child protection partners in particular at local level:

- Obtain a good knowledge of the key players in child protection and child rights in the mission area and a clear sense of the local child protection priorities. Encourage civil society involvement in the peace process. Identify, together with UNICEF and other child protection partners, the child protection priorities and concerns in the mission area.
- Seek cooperation with child protection partners in the implementation of relevant aspects of the mandate of the operation, e.g. training, monitoring and reporting and capacity building.
- Ensure that institution-building and strengthening initiatives account for child rights and protection.
- Ensure close coordination with other EU programmes in the theatre of operation.

Key child protection concerns for consideration of ESDP operations:

Protection of children exposed to abuse and violations:

- Call on parties to conflict to take special measures to protect civilians, in particular children, from all forms of violence and abuse, in particular recruitment and abductions by armed groups, killing and maiming of children, sexual and gender-based violence, attacks against schools and hospitals.
- Engage with all parties to conflict to bring such violations to an end, including through negotiating specific commitments, e.g. on ending recruitment and abduction of children and releasing children with the fighting forces.

Remind parties to conflict of their obligations under international humanitarian and human rights law, in particular as concerned the rights of the child.

- Engage in public awareness-raising of child protection issues.

Monitoring and reporting on the situation of children:

- Include, in internal and, as appropriate, public reporting, information on serious violations of the rights of the child committed by the parties to conflict.
- Support the development or strengthening of networks/task forces for the monitoring, investigating and responding to child rights violations, as foreseen in UNSC resolution 1612 (2005), including through training and capacity-building of civil society groups.

Reintegration of children, including child soldiers and separated children:

- EU, including Member States and the Commission, to advocate for and provide support to special attention to children in DDR and reintegration and rehabilitation programmes, with special emphasis to the particular challenges of girls in their demobilization and effective reintegration.
- Ensure long-term sustainability of Disarmament, Demobilization and Reintegration (DDR) programs for former child soldiers, including psychosocial support, education, vocational training, employment opportunities, and support for their communities.
- Develop policies and strategies at national and regional level to address cross-border child protection issues with special attention to child abduction, child (re)-recruitment, trafficking and separated children.

Security Sector Reform/Disarmament Demobilization and Reintegration:

- EU, including Member States and the Commission, to give particular attention to the protection of children in SSR and DDR concepts and programmes. Ensure that the reform of the police and the national armed forces addresses child protection concerns and the provision of training on human rights law, including the rights of the child, and humanitarian law.

Rule of Law (law reform, juvenile justice, and law enforcement):

- Promote the ratification of international instruments relevant for the protection of children (such as the Optional Protocol on the Involvement of Children in Armed Conflict, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 and the Rome Statute for the International Criminal Court), as well as regional instruments such as the African Charter on the Rights of the Child, and provide support for the implementation of these instruments.
- Advise and assist governments on law reform concerning children (new legislation, e.g. child rights bill, or reform of existing laws) in accordance with the Convention on the Rights of the Child and other applicable international human rights norms and standards.
- Support the provision of technical assistance for the improvement of birth registration, including nationality legislation.
- Promote and support the (re-) establishment of appropriate protection and justice systems for children in need of legal protection and in conflict with the law. Ensure that the content and thrust of new legislation, policies and guidelines on juvenile justice address the rights and needs of children. Provide training, information and sensitization campaigns for judges and lawyers, prosecutors, law enforcement officials and social workers on child protection legislation and juvenile justice administration.

Accountability mechanisms and children:

- 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.
- Support justice and truth-seeking mechanisms in the development and implementation of child-sensitive procedures, e.g. building capacity of investigators, statement takers and other officials involved in how to address cases involving children and how to interview and take testimonies from children.

Child participation in conflict:

- Since children also are directly involved in conflict (child soldiers), it is deemed necessary that they are appropriately integrated in DDR/SSR processes, including specific DDR programmes for children.

Child participation in peace processes:

- Through contacts with relevant actors, promote the establishment of forums/programs that facilitate the participation of children in peace consolidation and peace-building.

Sexual and gender based violence:

- Support the establishment of an effective system for preventing, monitoring, and reporting on gender based violence, including sexual exploitation and abuse, as well as the provision of special care for sexually exploited and abused children, including sexual and reproductive health care.

Education:

- Promote the review of education materials and seek to eliminate content of textbooks that encourages perpetuation of conflict or discrimination. Promote a culture of peace, and non-discrimination, including through support for peace education and reconciliation programmes.
- Support conflict-resolution, HIV/AIDS prevention, trafficking prevention and landmine awareness for children at risk through a life-skills curriculum.

IV. Training in child protection and child rights:

Pre-deployment as well as in-mission training specifically on child protection and CAAC issues are of particular importance. Member States national experiences and expertise should be mainstreamed at the EU level in the following fields:

- ensuring the continuity of specific training workshops/seminars on CAAC in ESDP missions and operations (e.g. IPT Specialization Course on Child protection, monitoring and rehabilitation);
 - integrating child protection and CAAC into the ESDC curricula;
 - sharing national expertise on Child protection and CAAC;
 - applying the expertise of international and local NGOs;
 - incorporating lessons learned and best practices from ESDP missions and operations.
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- Member States should ensure that child protection issues are adequately covered in their national training programmes, in particular for military and civilian personnel to be deployed in ESDP missions and operations, as well as relevant Community projects.
 - The Council General Secretariat and the Commission services are encouraged to invite relevant actors such as DPKO, UNICEF, SRSG/CAAC, OHCHR, UNHCR, ICRC and Save the Children to share their experiences and relevant training programmes and packages on child protection.
 - The Council and the Commission to include the Guidelines on CAAC in existing and planned training programmes for all staff on human rights, including the rights of the child. Seek the support of i.a. UNICEF, SRSG/CAAC and Save the Children for such programmes.
 - PMG to take into account human rights aspects, including CAAC, when considering future training needs for crisis management. CIVCOM to contribute to this work as far as specific needs for civilian crisis management are concerned.

- Include human rights, including the rights of the child and child protection in all pre-deployment training for personnel deployed to ESDP missions and operations as well as relevant Community projects, particularly when child protection is explicitly included in the mission mandate.
- During ongoing missions, ensure that all mission personnel receive periodic training on human rights, humanitarian and refugee law, including the rights, protection and welfare of children, as well as appropriate guidance on HIV/AIDS. Training should seek to maximize the positive potential of mission personnel to improve child protection while ensuring adherence to the relevant codes of conduct.

V. Follow-up:

- Heads and staff of ESDP missions and operations, within their respective mandates, Member States, the Council General Secretariat and all other relevant EU bodies are invited to implement the proposed measures. The implementation of the checklist will be included in assessments and reviews of specific missions and operations. The Council General Secretariat, in close collaboration with the Commission services, will initiate a general review of the implementation of the checklist within one year.