

**2010 REVIEW OF THE IMPLEMENTATION STRATEGY  
OF THE EU GUIDELINES ON CHILDREN AND ARMED CONFLICTS**

**Concept Note \***

**1. Context**

In 2003, the EU adopted the Guidelines on Children and Armed Conflicts, which were updated in 2008. The Guidelines commit the EU to address the short, medium and long term impact of armed conflict on children in an effective and comprehensive manner, making use of the variety of tools at its disposal, and building on past and ongoing activities. The Guidelines aim to influence third countries and non state actors to implement international and regional human rights norms, standards and instruments, as well as international humanitarian law. Another goal is to protect children from the effects of armed conflict, to end the use of children in armed forces and armed groups, and to end impunity for crimes against children. The Guidelines also seek to ensure that specific needs of children will be taken into account in early-warning and preventive approaches as well as actual conflict situations, peace negotiations, peace agreements, post-conflict phases of reconstruction, rehabilitation, reintegration and long-term development, ensuring that crimes committed against children be excluded from all amnesties.

In order to effectively execute the objectives of the Guidelines, the EU adopted in 2006 the Implementation Strategy, which offers instructions on close monitoring and reporting, cooperation with the UN, effective incorporation of gender issues into all policy areas, and awareness-raising.

The implementation of the Guidelines focuses on 19 priority countries (6 of which were added in 2007): Afghanistan, Burundi, Chad, Colombia, Côte d'Ivoire, Democratic Republic of Congo, Haiti, Iraq, Lebanon, Liberia, Myanmar, Nepal, OPT/Israel, Philippines, Somalia, Sri Lanka, Sudan and Uganda. Apart of the general Implementation Strategy, each priority country has an individual implementation strategy that responds to the particular needs of each country separately.

**2. Purpose of the review**

While many issues addressed in the 2006 Implementation Strategy are still valid, numerous major developments have taken place since its adoption both in the European Union and internationally. Therefore, it was vital to align the Strategy with these developments to put in place a more comprehensive and holistic approach to the issue of children affected by armed conflicts as well as to further advance the EU's response in this field while supporting efforts of other relevant actors, in particular the UN Secretary

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General's Special Representative for Children and Armed Conflicts, Ms Radhika Coomaraswamy as well as UNICEF, DPKO, DPA, ILO, UNHCR and OHCHR.

**a) The review took into account the following developments at the EU level:**

- *European Commission Communication “A Special Place for Children in EU External Action” together with an Action Plan and Commission Staff Working Document “Children in Emergency and Crisis Situations” in 2008* – The Communication identifies the policy framework, priority areas, programming tools and guiding principles to progress on children's rights in selected priority areas; a particular attention has been given to children in development cooperation, trade policy, political dialogues, global and regional actions, humanitarian aid and empowerment of children. The Staff Working Document provides framework for humanitarian actions towards children in crisis situations, with a focus on separated and non-accompanied children, child soldiers and education in emergencies.
- *Study “Enhancing the EU response to children affected by armed conflict” mandated by the Slovenian Presidency in 2008* – The study confirms the European Union's commitment and political will to enhance the EU response to this issue. The most significant challenge lies in strategic and comprehensive implementation of the commitments, in particular at national and regional level. The Study concludes with a number of recommendations on how to respond to this challenge.
- *Seminar on “Increasing the Impact on the Ground: NGO and EU Collaboration in the Thematic Area of Children Affected by Armed Conflict” organised by the Slovenian Presidency in 2008* – The meeting recommended various options to develop an EU approach to increase coherence among EU institutions and instruments as well as to improve cooperation with NGOs, the UN and other actors in the field of children affected by armed conflicts.
- *“Checklist for integration of children affected by armed conflicts into the European Security and Defence Policy, in particular in its missions abroad” adopted in 2006 and reviewed in 2008* – The Checklist seeks to ensure that child rights and protection concerns are systematically addressed from the early planning through the implementation of ESDP missions and operations.
- *Evaluation of the implementation of the EU Guidelines on Children and Armed Conflicts in 13 original priority countries* – In 2009, the Czech Presidency initiated the evaluation process, based on Heads of Missions reports, which was continued during the Swedish Presidency. In 2009/2010, the evaluation reports have been gathered and their assessment has been undertaken by the Belgian Presidency.
- *Recommendations of the EU-NGO Human Rights Forum on “Combating Violence against Children” in 2009* – One of the working groups was devoted to “Children in conflict and crisis situation” and examined the legal and policy framework to address the situation of these children, including the implementation of Security Council Resolution 1612.
- *Implementation of CAAC-targeted projects* – Since 2003, the EU has funded numerous projects in this field, under a broad range of funding instruments. A particular attention was given to the priority countries. Most recent selections of EU

projects took place under the Investing in People thematic programme (2008) and the European Instrument for Democracy and Human Rights (2009). Moreover, Member States have provided funding under bilateral cooperation with third countries.

**b) Additionally, the review considered international developments:**

- *Paris Commitments and Principles of 2007* – The aim of the Paris Commitments and the Paris Principles is to combat the unlawful recruitment or use of children by armed forces or armed groups. Their specific objective is to prevent the occurrence of this phenomenon, to secure the release of children concerned, to support their social reintegration and to ensure that they are afforded the greatest protection possible. The Paris Principles give more detailed guidelines on the implementation of the Commitments. The Ministerial Follow-Up Forum to the Paris Commitments and Paris Principles took place in 2009 to assess and reinforce the implementation of the Commitments and Principles.
- *UN Integrated DDR Standards* – Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS) were published in 2006 and expanded in 2009. They provide for a comprehensive set of policies, guidelines and procedures covering 24 areas of DDR. They consolidate policy guidance on DDR, providing a United Nations integrated approach on the planning, management and implementation of DDR processes. They are also the most complete repository and best practices drawn from the experience of all United Nations departments, agencies, funds and programmes involved in DDR. The IDDRS are accompanied by the DDR Briefing Note to Senior Managers and the Operational Guide to the IDDRS. Modules 5.30 on children and 5.20 on youth are of particular importance in the context of CAAC.
- *Security Council 1882 resolution* – This milestone resolution, adopted unanimously in 2009, heralds a stronger protective environment for children in situations of armed conflict and an increased level of accountability for those who violate their rights. It expands the triggers for the implementation of the existing monitoring and reporting mechanism on grave violations committed against children caught up in conflicts, to include: patterns of killing or maiming, and rape or other sexual violence against children in conflict situations.
- *10-Year Strategic Review of the Machel Report* – The 1996 Machel Study challenged the world to recognise that "war affects every right of the child." This follow-up report, published in 2009, analyses the progress but it also identifies emerging challenges and priorities and the responses required for the next decade, such as: the changing nature of conflicts, the more than ever brutal impact of conflicts on children, the need to expanded action in four areas: achieving universal implementation of international norms and standards, as a priority to end impunity; prioritizing the care and protection of children in armed conflict; strengthening capacity and partnership; and preventing conflict and building peace.
- *Conference "Reintegration and Rehabilitation of War-Affected Children" organised by the University of Antwerp, the Catholic University of Leuven, and the Centre for Children in Vulnerable Situations in 2009* – This multidisciplinary international conference discussed different aspects of child rehabilitation in armed conflict. It brought together academics, policymakers and practitioners, in order to bridge the

gap between disciplines on the one hand and between theory and practice on the other. Experiences and research findings were exchanged, and best practices identified.

- *Reports of the UN Secretary General's Special Representative for Children and Armed Conflicts* – The Special Representative and her office have been publishing annual, country and thematic reports as well as country visits that show progress achieved but also the continued and new violations of children in armed conflicts. The UN Special Representative also negotiates actions plans with armed parties to end the recruitment and use of children as well as to secure their release from armed forces and groups.
- *Conclusions and Working Documents of the Security Council Working Group on Children and Armed Conflicts* – This Working Group reviews the reports of the Council's monitoring and reporting mechanism, looks at progress made in developing and implementing action plans by groups named in the Secretary General's lists to stop recruitment and use of children in armed conflict, makes recommendations on measures to promote the protection of children affected by armed conflict, and considers country reports.
- *The work of the International Criminal Court* – Since the Lubanga case (charged for recruitment and use of children under the age of 15), the ICC is dealing with the war crime of conscripting and enlisting children under and using them to participate actively in hostilities.
- *Documents aimed at the development of knowledge on CAAC, the production of various guidelines and tools:*
  - *Publications of the UNICEF Innocenti Research Centre* – The prime objectives of the Centre is to improve international understanding of the issues relating to children's rights, to promote economic policies that advance the cause of children, and to help facilitate the full implementation of the UN Convention on the Rights of the Child. In this respect, the Centre conducts evidence-based research and publishes reports, including on children in armed conflicts.
  - *Publications of the ILO* – In its fight against child labour, the IPEC-programme of the ILO also addresses the issue of children and armed conflict, with a particular focus on economic reintegration. The 2007 Strategic Framework for addressing the economic gap aims to provide guidance to those involved in addressing the economic aspect of child recruitment and reintegration of children associated with armed forces and groups. It brings together knowledge, lessons and good practices developed, tested and validated during the implementation of the ILO Inter-regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflict. A '*How to guide*' on economic reintegration will be published shortly.

### **3. Review process**

In the process of the review of the Implementation Strategy, the expertise of other stakeholders, in particular the UN Secretary General's Special Representative for

Children and Armed Conflicts and child rights-specialised civil society organisations, was of particular importance.

The review included the following stages:

- a) Launch of the review – In September 2010, the Task Force on Children of the Council of the EU Working Party on Human Rights, which consists of the representatives of EU Member States and the European External Action Service (formerly the European Commission and the Council Secretariat General) launched the review of the EU Guidelines on Children in Armed Conflicts.
- b) Analysis of the European and international developments – Between July and October 2010, the relevant services of the Belgian Presidency and the European External Action Service prepared an analysis of the above-mentioned European and international developments with a view to integrate their conclusions in the revised Implementation Strategy.
- c) Consultations on the ground – The EU Delegations in the 19 priority countries were requested to organise a meeting with local, locally present international NGOs as well as relevant UN agencies to discuss the implementation of the EU Guidelines on CAAC as well as draw on recommendations to improve EU's response in this field. The Delegations provided reports from the meetings by the end of September.
- d) Expert workshop – On 15 October, the EU organised an expert workshop in Brussels to provide a platform for all relevant stakeholders in order to apply a coherent, multidisciplinary, participatory and effective approach towards progress on the objectives of the United Nations Convention on the Rights of the Child and its two Optional Protocols in the EU's external policy.

The UN Secretary General's Special Representative for Children and Armed Conflicts, Ms Radhika Coomaraswamy, was invited as a key-note speaker. The workshop brought together representatives of NGOs, international organisations (e.g. UNICEF, ILO), academics, EU Member States, relevant European Institutions and EU Delegations.

The objectives of the workshop was to advise and assist the EU in the revision of the CAAC Implementation Strategy, in particular as regards:

- Incorporating European and international developments in the field of children and armed conflicts into the review of the Implementation Strategy of the EU Guidelines on Children and Armed Conflicts.
- Enhancing the added-value that the EU can bring to the existing international efforts (taking into account the ongoing actions undertaken by international organisations and NGOs).
- Identifying ways to make a concrete difference on the ground in addressing the situation of children in armed conflicts.
- Exchanging best practices and lessons learned that an EU response can build on.

- Identifying synergies with other relevant EU actions, such as in the field of the protection of civilians, humanitarian action or other EU Human Rights Guidelines.

The workshop took place in a “dialogue” format, thus stimulating a lively debate between the participants.

- e) Analysis of the findings of the local consultations and the expert workshop – In the first half of October 2010, the relevant services of the Presidency and the European External Action Service analysed the outcome of the consultations held locally to feed into the revised Strategy.
- f) Drafting of the revised Implementation Strategy – By early November 2010, the relevant services of the Presidency and the European External Action Service prepared a draft of the revised Implementation Strategy, based on the consultations and analysis of European and international developments.
- g) Presentation of the draft revised Implementation Strategy – The draft revised Implementation Strategy was presented at the Task Force on Children of the Council of the EU Working Party on Human Rights in November 2010 for further discussion
- h) Finalisation of draft text of the revised Implementation Strategy – The relevant services of the Presidency and the European External Action Service finalised the draft based on the input from the members of the Task Force.
- i) Adoption of the revised Implementation Strategy – The revised Implementation Strategy was adopted by the Political and Security Committee (PSC) and the Council Working Group on Human Rights (COHOM) in December 2010.