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NOTE

from : PMG
to : PSC
Subject : Checklist for the Integration of the Protection of Children affected by Armed
Conflict into ESDP Operations

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 operations.

3. PMG has already initiated discussions on the implementation of the Guidelines and of UNSC resolution 1612 (2005) on children and armed conflict, similar to the implementation of UNSC resolution 1325 (2000) on women, peace and security. This paper provides a checklist for the integration of the protection of children affected by armed conflict into ESDP operations.

4. PSC is invited to task EUMC and CIVCOM to examine the paper set out in Annex with a view to endorsement of the final version of the checklist by PSC at a next meeting.

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

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 operations.

Objectives of the Checklist

The present Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP operations seeks to ensure that child rights and protection concerns are systematically addressed from the early planning through the implementation of ESDP 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 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.

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 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.

- 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. Rules of engagement for military operations 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 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 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 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.

Reporting on child protection 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 periodic reports an analysis of the effects of conflicts on children, in particular violations and abuses against children, as well as periodic evaluations of the effect and impact of EU actions on children in conflict situations.

Child protection expertise in ESDP 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.

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.
- 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:

- EU, including Member States and the Commission, to give particular attention to the protection of children in SSR 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 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 services.

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:

- 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 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 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 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 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.
