



## **THE IMPLEMENTATION OF THE EU GUIDELINES ON CHILDREN IN ARMED CONFLICT**

Assessment of the policy framework and its implementation

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## List of Abbreviations

ACP	Africa, Caribbean and Pacific
CAAC	Children Affected by Armed Conflict
CIVCOM	Council working group on civilian crisis management
CODEV	Council working group on development
COHOM	Council working group on human rights
CRC	Convention on the Rights of the Child
CSP	Country Strategy Paper
DAC	Development Assistance Committee of the OECD
DCI	Development Cooperation Instrument
DDR	Disarmament, Demobilisation and Reintegration of former Combatants
EEAS	Europe External Action Service
EC	European Commission
ECDPM	European Centre for Development Policy Management
ECHO	EC Directorate General for Humanitarian Aid
EIDHR	European Initiative for Democracy and Human Rights
EPLO	European Peacebuilding Liaison Office
ESDP	European Security and Defence Policy
EU	European Union
ICRC	International Committee of the Red Cross
MEP	Member of the European Parliament
MS	Member State of the European Union
NGO	Non-governmental organisation
OPS	Operational
POL	Policy
PMG	Political Military Group
SRSG-CAAC	Special Representative of the UN Secretary-General on Children and Armed Conflict
UN	United Nations
UNDG	United Nations Development Group
UNICEF	United Nations International Children's Fund
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution

# Executive Summary

2012 marked an important year for the Children and Armed Conflict (CAAC) agenda. This year, we celebrate the 15th anniversary of the appointment of the United Nations Secretary General's Special Representative on Children and Armed Conflict (SRSG-CAAC). The newest SRSG-CAAC – Leila Zerrougui – was appointed in July, with the EU pledging its full support.<sup>1</sup> This year also marks the tenth anniversary of the Optional Protocol on Children and Armed Conflict coming into force, and half a decade since the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups was produced.

The EU has had a strong stated commitment to the plight of children in situations of armed conflict and fragile states. In 2003, the EU created the Guidelines for Children and Armed Conflict (hereafter EU Guidelines), which were revised in 2008 and complemented by an implementation strategy. The EU also recognizes that children's rights are a cross-cutting issue, which needs to be mainstreamed through all external EU actions.

Embracing the heightened attention to the CAAC issue, this report, commissioned by War Child Holland and War Child UK, provides an overview and assessment of the European Union's actions on the CAAC issue, while also giving suggestions on how such action could be improved. Part of the investigation was carried out by desk-research and interviews with relevant policy-makers in Brussels, while the other part comprised of an online survey which sought the views of people in the field, namely the in-country EU-delegations and civil society representatives of War Child Holland and War Child UK.

**The key argument presented in the report is that although the EU has a reasonably developed framework for CAAC, making use of this framework and implementing the commitment remains a challenge.** The key problem lies in a lack of consistency in funding, training and even providing adequate attention to advancing the issue (as dictated by the rotating presidency's priorities). Consequently, EU frameworks on CAAC have low visibility among actors in the field, further reducing its potential to make an impact on the lives of children in conflict-affected areas.

Since there is no specific allocated budget line dedicated to the issue, predictability is reduced, which prevents strategic planning with a long-term vision. Consequently, actions are taken in a spontaneous and ad-hoc fashion. It adds to the difficulty that, besides funding, human resources are also limited, and often staff is not adequately trained on the issue, which applies to both EU Missions and ESDP operations.<sup>2</sup>

Specific monitoring also does not take place against the Guidelines' framework, making planning and the assessment of implementation nearly impossible. Adding to the difficulty, CAAC is primarily funded from bilateral channels, with little joint impetus from EU level. This undermines the potential for a coordinated approach and monitoring of developments on the issue.

Concerning diplomatic actions, the issue often appears diplomatically sensitive for EU delegations to raise with governments in CAAC priority countries. When it is discussed, the usefulness of the outcome is questionable, in that it often remains only a piece of paper.

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<sup>1</sup> Vrailas, Ioannis. (2012). *EU Statement - United Nations 3rd Committee: Rights of the Child*. European Union Statement delivered by Mr. Ioannis Vrailas, Deputy Head of the Delegation of the European Union to the United Nations, at the United Nations 67th General Assembly Third Committee Item 65: Rights of the Child. [18 October 2012]  
Available at: [http://www.eu-un.europa.eu/articles/en/article\\_12736\\_en.htm](http://www.eu-un.europa.eu/articles/en/article_12736_en.htm)

<sup>2</sup> Interview with Official, EEAS, interview, Brussels, 7 September 2012

It is also of significant concern that the institution which is often coined as the champion of prioritizing human rights related issues, the European Parliament, has hardly paid any specialized attention to this, which would enable a sense of political urgency.

**The report calls for an increased visibility on the abuse of children in situations of conflict, and for actions being taken to ensure child rights are being respected. Accordingly, the following recommendations are made to improve EU action on CAAC:**

**To the EC:**

- A comprehensive implementation strategy should be established at the level of the EU, derived from the Guidelines and that draws on experiences gained from past practices in CAAC countries. Such a strategy framework should be established with the involvement of all relevant actors including NGOs.
- The European Commission should prepare and publish a Communication focusing on the EU approaches to CAAC, and on mechanisms within the EU that ensure an integrated policy approach in the EU's collective response towards CAAC.
- To appoint an EU Special Rapporteur on CAAC to help ensure that the policies of the EU, in support of international agreements established within the UN, are promoted through political dialogue and other means.
- Cooperation planning processes for CAAC target should explicitly include CAAC assessments, and the establishment of benchmarks that can be assessed as part of regular assessments and in the establishment of annual action programmes
- A defined provision for the funding of CAAC actions should be established with the Multiannual Financing Framework of the EU, including specifically defined allocations, in which increased resources are made available at the level of delegations within CAAC countries.
- Additionally, provision should be made for staff training in delegations, as well as in Brussels to enable the effective implementation of the CAAC Guidelines.

**To the EEAS:**

- A CAAC portfolio should be included within the cabinet of the High Representative of Foreign Affairs and Security Policy
- A coordination unit should be established within the EEAS to ensure an integrated and consistent approach to CAAC is pursued between the different services of the EU, including member states. The unit should support EU delegates in CAAC target countries, as well as address long term funding strategies of the EU.
- In addition, a regular dialogue with relevant actors should be established, taking place at least once a year, to assess the implementation of the EU's Guidelines on CAAC.
- An annual report on the implementation of the EU CAAC strategy should be produced under the direction of the coordination unit.
- Stronger relevant political mandate / ensuring coordination within the delegation and local actors, e.g. Advisor in the Cabinet of Defence, plus specifically including a child protection element in the mandate.
- Furthermore, EEAS should encourage its delegates to bring the issue fully into the political dialogue with national governments.

**To the European Parliament:**

- It is essential for the European Parliament to establish an annual debate on the implementation of the EU's CAAC guidelines under the guidance of the Human Rights sub-committee of the Foreign Affairs Committee.
- Secondly, it should produce an annual resolution on the implementation of the EU's Guidelines on CAAC.

**To EU Delegates in CAAC target countries:**

- Above all, to guarantee that strategies for implementing CAAC guidelines are clearly understood within the delegation and are fully integrated in the EU's policy approaches to the country.
- Ensure that adequate staff, time and expertise are included within the delegation, both at OPS and POL levels
- Ensure that financial resources are available within the delegation to achieve the objectives on CAAC that have been established, and to coordinate approaches with EU members states and other donors involved in funding CAAC actions.
- What is more, it is important to ensure that there are sufficient finances available for training and awareness building of delegation staff.

# Introduction and methodology

Children and young people are highly vulnerable to and disproportionately affected by the effects of conflict, state fragility and war. They make up the majority of population in conflict-affected countries, with around 1 billion children estimated to currently live in conflict-affected zones. They are often seen as an easy target by recruiters as they are easily brainwashed, have an underdeveloped sense of danger and survive on little food.<sup>3</sup> A number of commitments and pledges confirm that there is an international consensus on the need to end the recruitment of children as child soldiers and ease the effect of conflict on children in general.

With considerable milestones achieved, 2012 marked an important year for the Children and Armed Conflict agenda. The 15th anniversary of the appointment of the United Nations Secretary General's Special Representative on Children and Armed Conflict (SRSG-CAAC) was celebrated this year. The newest SRSG-CAAC – Leila Zerrougui – was appointed in July, with the EU pledging its full support.<sup>4</sup> This year also marks the tenth anniversary of the Optional Protocol on Children and Armed Conflict coming into force, and half a decade since the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups were produced.

Embracing the heightened attention to the issue, and to further assess and encourage the involvement of the European Union in fighting for children’s rights during conflicts, War Child Holland and War Child UK asked EEPA to prepare an overview of the level of implementation and compliance with EU policy frameworks, focusing on the Guidelines in EU priority countries as well as in countries where War Child operates. The investigation EEPA undertook was carried out by an online survey, which was sent to local War Child Offices as well as to the EU Delegations and Missions in EU CAAC priority countries. The questionnaire focused on whether there is sufficient policy attention to the issue, whether local actors are familiar in working with EU policy framework and in particular the EU Guidelines, and what improvements, if any, are needed regarding both awareness and implementation

**Table 1: Themes examined in the survey**

War Child Representatives	EU delegations/Missions
<ul style="list-style-type: none"> <li>▪ General awareness of CAAC issues by local/national actors</li> <li>▪ General awareness of EU Policy frameworks on CAAC</li> <li>▪ The team’s awareness of the EU Guidelines</li> <li>▪ General impression of the effectiveness of the guidelines</li> <li>▪ Suggestions for improvements</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Mission’s general awareness on CAAC issues</li> <li>▪ The Missions’ awareness of the EU Guidelines</li> <li>▪ Steps taken to implement the Guidelines</li> <li>▪ Level of implementation of the Guidelines</li> <li>▪ General impression of the effectiveness of the guidelines</li> <li>▪ Ways of monitoring the implementation of the Guidelines</li> <li>▪ Specialist training</li> <li>▪ Availability of financial resources</li> <li>▪ Ways to improve the Mission’s impact</li> </ul>

<sup>3</sup> WarChild (n.a.) Child Soldiers – Child Soldier: Some Words Don’t Belong Together. [18 October 2012] Available at <http://www.warchild.org.uk/issues/child-soldiers>

<sup>4</sup> Vrailas, Ioannis. (2012). *EU Statement - United Nations 3rd Committee: Rights of the Child*. European Union Statement delivered by Mr. Ioannis Vrailas, Deputy Head of the Delegation of the European Union to the United Nations, at the United Nations 67th General Assembly Third Committee Item 65: Rights of the Child. [18 October 2012] Available at: [http://www.eu-un.europa.eu/articles/en/article\\_12736\\_en.htm](http://www.eu-un.europa.eu/articles/en/article_12736_en.htm)

In addition, a questionnaire was sent to the EU member states permanent representations to the EU in Brussels. The response rate of this group remained low and following contact with a few representatives, the inquiry with EU members states focused on qualitative evidence from only a few priority countries.

The present report is broken down into three parts: the first chapter will provide an overview of the underlying international framework on CAAC, including the instruments of the UN; the second part will provide an overview on the EU policy framework and implementing tools; while the third section provides a discussion based on the results of the survey and assessment on the implementation strategy while also suggesting ways to improve implementation and action.



# The International Legal Framework and UN instruments

There are a number of international legal frameworks which add an overlying basis for EU response on Children and Armed Conflict. This includes internationally ratified legal instruments, and non-binding soft law mechanisms. Furthermore, the EU is supportive of the UN mechanisms in this field, in particular the UN Special Representative for Children Affected by Armed Conflicts, the Security Council's Working Group, and the United Nations Security Council Resolution (UNSCR) 1612 mechanism.

## The CRC and the Optional Protocol on the Involvement of Children in Armed Conflict

The **CRC (Convention on the Rights of the Child)**, adopted by the UN General Assembly (UNGA) in 1989 is the most comprehensive legal instrument regarding the promotion and protection of the rights of the child.

Article 38 of the CRC obliges states to ensure that children under the age of fifteen should not take part in hostilities.<sup>5</sup>

In 2000, UNGA adopted **the Optional protocol to the CRC on the Involvement of Children in Armed Conflict**<sup>6</sup>, which had been ratified by 132 countries by July 2010.

The Optional Protocol sets eighteen as the minimum age of compulsory recruitment to armed forces, while also obliges states to raise the minimum age in case of "voluntary recruitment" (although this is not specified as 18 years of age).

## The Rome Statute of the International Criminal Court

**The Rome Statute of the International Criminal Court** defines using children under the age of fifteen actively in hostilities or enlisting them into the national armed forces as a war crime.<sup>7</sup>

## ILO Convention 182

**The ILO Convention 182**, which focuses on the worst forms of child labour, indicates that recruitment of minors into armed groups is similar to the practice of slavery.<sup>8</sup>

## The Paris Principles

The **Paris Commitments and Principles on Children Associated with Armed Forces or Armed Groups**, endorsed by 58 UN member states in 2007, is a soft law instrument providing guidelines on the disarmament, demobilization and reintegration of children associated with armed groups.

They complement the political and legal mechanisms already in place at the UN Security Council, the International Criminal Court and other bodies trying to protect children from exploitation and violence.

## The UN Framework

The UN has been strongly engaged on the issue of CAAC and adopted a number of resolutions addressing the issue. The first was UNSCR Resolution 1621 in 1999, which was followed by

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<sup>5</sup> UNGA, (1999) *Convention of the Rights of the Child*, adopted by resolution 44/25 of November 1989, article 38.

<sup>6</sup> UNGA, (2002) *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, adopted by resolution A/RES/54/263 of May 2000

<sup>7</sup> Rome Statute of the International Criminal Court, (1998). Rome. Article 8:2b (xxvi)

<sup>8</sup> ILO (1999) *Convention 182, Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*, adopted by the conference at its 87th session. 17 June 1999.

UNSCR Resolutions 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005). In 1997 the UN also created the Office of the Special Representative of the Secretary-General on Children and Armed Conflict (SRSG-CAAC), in response to a comprehensive review on the issue. The creation of the office of the SRSG-CAAC is important in addressing CAAC issues in the UN, as their teams are located onsite and can therefore collect information whilst they are involved in regular reporting and field visits. The UN SRSG also addresses various EU and member-state forums.

The Security Council resolution 1612 (UNSCR 1612) concentrates specifically on the issue of CAAC. It calls for improvement, greater monitoring and the implementation of already existing commitments. The six areas in which the UNSCR 1612 highlights the importance of monitoring are: (1) killing or maiming of children, (2) recruitment or use of child soldiers, (3) attacks on schools or hospitals, (4) rape and other grave sexual violence against children, (5) abduction of children, and (6) the denial of humanitarian access for children. The Resolution includes benchmarks in the area and special reporting requirements, with a focus on specific countries, which is considered as an important step in moving forward the implementation of the commitments.<sup>9</sup>

Both the EU and the UN have a list of priority countries, which have long differed, and the selection procedure was not entirely clear.<sup>10</sup> However, the EU priority lists are now harmonised with those of the UN Special Representative on Children and Armed Conflict. These are the following: Afghanistan, Central African Republic, Chad, Colombia, Cote d'Ivoire, Democratic Republic of Congo, India, Iraq, Lebanon, Libya, Myanmar, Nepal, Occupied Palestinian Territory and Israel, Philippines, Pakistan, Somalia, Sri Lanka, South Sudan, Sudan, Syria, Thailand, Uganda and Yemen.

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<sup>9</sup> Security Council Fifty-eighth year, 4687th meeting, ( 2003). New York, S/PV 4684 in Sherriff, A. 2007. *Enhancing the EU Response to Children Affected by Armed Conflict - With particular reference to development policy - Study for the Slovenian EU Presidency (ECDPM Discussion Paper 82)*. Maastricht.

<sup>10</sup> Sherriff, A. 2007. *Enhancing the EU Response to Children Affected by Armed Conflict - With particular reference to development policy - Study for the Slovenian EU Presidency (ECDPM Discussion Paper 82)*. Maastricht., p.18

# The EU Framework on Children and Armed Conflict and its implementation

## The Policy Framework

### The Guidelines on Children and Armed Conflict

The **Guidelines on Children and Armed Conflict, created in 2003**, are the EU's first attempt to summarise EU Policy on this issue, in order to create a more coherent and coordinated approach.

However, according to assessments following the adoption of the Guidelines, implementation remained poor. According to a COHOM Biennial review from 2005, the EU did not make any impact in its chosen priority countries.<sup>11</sup>

Consequently, **the Guidelines were revised in 2008**, recognising the need to emphasise their implementation, rather than adding to the policy framework or creating new rules.

In accordance, in April 2006, the EU also issued a **strategy for implementing the Guidelines**, which aimed at giving directions on monitoring and reporting, cooperation with the UN, and effective incorporation of gender issues into all policy areas and lobbying.

**The strategy for implementing the Guidelines was revised in 2010**,<sup>12</sup> and, is at the moment considered, adequate. No formal review is expected in the coming years.<sup>13</sup>

The 2010 revision of the Implementation strategy also considered the outcomes of the following EU events and documents produced during the Slovenian Presidency, which paid special attention to children's rights:

- The seminar on **"Increasing the Impact on the Ground: NGO and EU Collaboration in the Thematic Area of Children Affected by Armed Conflict"**, which included recommendations on better engagement and coherence between EU institutions as well as cooperation with NGOs, the UN and other relevant actors.<sup>14</sup>

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<sup>11</sup> Council of the EU, (2005). Working Party on Human Rights (COHOM), *Biennial Review of the EU Guidelines on Children and Armed Conflict*, as an annex to the Draft Council conclusions on the biennial review of the EU Guidelines on Children and Armed Conflict, 15309/05, Brussels, pp. 5-7

<sup>12</sup> Council of the European Union (2010) *2010 Review of the Implementation strategy of the EU Guidelines on Children and Armed Conflicts*. [e-book] European Union. p.6 Available through: [http://eeas.europa.eu/http://eeas.europa.eu/human\\_rights/child/ac/2010\\_hr\\_child\\_ac\\_strategy\\_en.pdf](http://eeas.europa.eu/http://eeas.europa.eu/human_rights/child/ac/2010_hr_child_ac_strategy_en.pdf) [Accessed: October 9, 2012]. For the original 2006 version, see Council of the European Union (2006) *Implementation Strategy for Guidelines on Children and Armed Conflict*. [e-book] Council of the European Union. p.19 Available through: [http://www.consilium.europa.eu/http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/hr/news65.pdf](http://www.consilium.europa.eu/http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news65.pdf) [Accessed: October 9, 2012].

<sup>13</sup> Interview with Official, EEAS, interview, Brussels, 7 September 2012.

<sup>14</sup> ECDPM (2008) Conference Report: Increasing the Impact on the Ground EU and NGO Cooperation in the Thematic Area of Children Affected by Armed Conflict. [e-book] Ljubljana: European Commission. Available through: [http://www.ecdpm.org/Web\\_ECDPM/Web/Content/Download.nsf/0/BD29361D218784B1C12574CF002E3E4F/\\$FILE/CAAC\\_Conference\\_Report\\_Ljubljana\\_17-18\\_Apr\\_08.pdf](http://www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/BD29361D218784B1C12574CF002E3E4F/$FILE/CAAC_Conference_Report_Ljubljana_17-18_Apr_08.pdf) [Accessed: October 9, 2012].

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[http://www.ecdpm.org/Web\\_ECDPM/Web/Content/Download.nsf/0/BD29361D218784B1C12574CF002E3E4F/\\$FILE/CAAC\\_Conference\\_Report\\_Ljubljana\\_17-18\\_Apr\\_08.pdf](http://www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/BD29361D218784B1C12574CF002E3E4F/$FILE/CAAC_Conference_Report_Ljubljana_17-18_Apr_08.pdf)

- The study entitled “**Enhancing the EU response to children affected by armed conflict**”, which was mandated by the Slovenian Presidency in 2008. This study aimed at addressing the challenge of implementation at national and regional level, concluding with various recommendations.<sup>15</sup>
- **The evaluation process** of the implementation of the EU Guidelines on Children and Armed Conflicts in 13 original priority countries. This was initiated by the Czech Presidency in 2009 and continued through the Swedish Presidency. The evaluation of the gathered reports by EU Head of Missions was undertaken by the Belgian Presidency in 2009/2010.

## Humanitarian Aid and Crisis Management

The **2008 Commission Staff Working document, which focuses on Children in Emergency and Crisis Situations** provides a framework for humanitarian actions towards children in crisis situations, with a focus on separated and unaccompanied children, child soldiers and education in emergencies.<sup>16</sup>

Concerning Crisis Management, in 2006, a **Checklist** was created (and revised in 2008), which aimed at integrating children’s rights in all ESDP (European Security and Defence Policy) operations, in particular, its missions abroad. The Checklist provides a system of protective measures from the pre-deployment phase until the final assessment mainstreaming child protection throughout the operation.<sup>17</sup>

The EU also has **Guidelines on the Protection of Civilians in EU-led Crisis Management Operations**, ensuring that children do not take part in hostilities and are not recruited by armed forces.<sup>18</sup>

Furthermore, the EU’s policy of DDR (Disarmament, Demobilisation and Reintegration), focuses on former child-combatants.<sup>19</sup>

Also relevant are the recommendations of the EU-NGO Human Rights Forum on “**Combating Violence against Children**” in 2009, where 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.<sup>20</sup> This Forum was organised by the European Commission with the Swedish Presidency of the EU.

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<sup>15</sup> Sherriff, A. (2007). *Enhancing the EU Response to Children Affected by Armed Conflict - With particular reference to development policy* - Study for the Slovenian EU Presidency (ECDPM Discussion Paper 82). Maastricht

<sup>16</sup> Commission of the European Communities, (2008). Commission staff working document, Children in Emergency and Crisis Situations, SEC(2008) 136, Brussels

<sup>17</sup>The Council of the European Union. (2008) *Draft General review of the Implementation of the Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations*. [e-book] p.19 Available through: <http://register.consilium.europa.eu>

<http://register.consilium.europa.eu/pdf/en/08/st09/st09822.en08.pdf> [Accessed: October 9, 2012]. For the original 2006 version, see Council of the European Union (2006) *Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations*. [e-book]. p.19 Available through: [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/hr/news65.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news65.pdf) [Accessed: October 9, 2012]

<sup>18</sup> PSC (2003) *Guidelines on protection of civilians in EU-led crisis management operations*, Working Document 14805/03, Brussels.

<sup>19</sup> Council of the European Union (2006) *EU Concept for Support to Disarmament, Demobilisation and Reintegration (DDR)*, Approved by the European Commission on 14 December 2006 and by the Council of the European Union on 11 December 2006. Available through: [http://www.eplo.org/assets/files/3.%20Resources/EU%20Documents/EU\\_EU\\_Concept\\_for\\_Support\\_to\\_Disarmament\\_Demobilisation\\_and\\_Reintegration.pdf](http://www.eplo.org/assets/files/3.%20Resources/EU%20Documents/EU_EU_Concept_for_Support_to_Disarmament_Demobilisation_and_Reintegration.pdf) [Accessed: October 9, 2012].

<sup>20</sup> Resourcecentre.savethechildren.se (2009) *11th Annual EU-NGO Forum on Human Rights - Violence against Children | Resource Centre*. [online] Available at:

## Development Policy Instruments

The 2006 Communication of the European Commission entitled **Towards an EU Strategy on the Rights of the Child** sets out the EU's ambition to promote the rights of the child.<sup>21</sup> Accordingly, in 2007 the EU adopted **the EU Guidelines on the Promotion and Protection of the Rights of the Child**.<sup>22</sup>

This was followed, in 2008, by **the European Commission Communication "A Special Place for Children in EU External Action"**, which identifies the policy framework, priority areas, programming tools and guiding principles to the progress on children's rights in selected priority areas.<sup>23</sup> Particular attention has been given to children in development cooperation, trade policy, political dialogues, global and regional actions, humanitarian aid and empowerment of children. It is also supported by an Action Plan that identifies CAAC as one of its priority areas.

## The European Parliament

The European Parliament strongly defends human rights. However, there is no single EP Resolution which deals with the issue of CAAC in detail.

The following EP Resolutions and documents do touch upon the issue of CAAC, focusing mainly on children's rights issues or women in armed conflict:

- Annual Human Rights reports for the years 2004, 2005, 2006, 2007.
- European Parliament Resolution on the situation of women in armed conflicts and their role in the reconstruction and democratic process in post-conflict countries (doc. 2005/2215(INI)).
- European Parliament Resolution on the exploitation of children in developing countries, with a special focus on child labour (doc. 2005/2004(INI)).
- Report on the European Parliament hearing on an EU Strategy for Children's Rights, held on 17 April 2007 in Brussels.
- Resolution on human rights dialogues and consultations on human rights with third countries, adopted on 6 September 2007.

The EU-ACP Joint Parliamentary Assembly issued a Resolution on children and armed conflict in June 2003, which raised concerns over the inadequate allocation of financial resources for CAAC by EU and ACP countries and also deplored the lack of political will of governments to act in favour of securing children's rights.<sup>24</sup>

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[resourcecentre.savethechildren.se/content/library/documents/11th-annual-eu-ngo-forum-human-rights-violence-against-children](http://resourcecentre.savethechildren.se/content/library/documents/11th-annual-eu-ngo-forum-human-rights-violence-against-children) [Accessed: 9 Oct 2012].

<sup>21</sup> Commission of the European Communities, (2006). *Towards an EU Strategy on the Rights of the Child*, Communication from the Commission, COM(2006) 367 final, Brussels

<sup>22</sup> Council of the EU, (2007). *EU Guidelines for the Promotion and Protection of the Rights of the Child*, approved by the Council .

<sup>23</sup> Commission of the European Communities, (2008) *A Special Place for Children in EU External Action*, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, SEC(2008) 135

<sup>24</sup> ACP-EU Joint Parliamentary Assembly (2003) Resolution on Children's Rights and Child Soldiers in Particular, ACP-EU 3587/03/fin, Rome, 11 October 2003

## Implementation Tools

### Funding

The Implementation of CAAC targeted projects takes place under the Investing in People programme established under the DCI (renamed **Global Public Good and Challenges in the 2014-2020 MFF**) and the Instrument for Democracy and Human Rights (EIDHR). For the specific area of children's rights, the Investing in People programme is coordinated at headquarter level, while programmes through the EIDHR are coordinated at a delegation level based on the Country Based Support Schemes (CBSS), aiming to avoid overlaps and create a coordinated approach.<sup>25</sup> Although a special budget line was created for the "integration of children's rights into development cooperation" (budget line 210212), as a result of recognising children's rights as across-cutting issue. However, since 2002 no funding has been allocated through this budget line.<sup>26</sup>

EU Projects with a CAAC focus can be funded in two different ways: either through calls for proposals (CFP) or standalone projects.

While CFPs are used for cooperation with civil society actors and NGOs, standalone projects are mostly used when the EU needs the expertise of a specific international organisation. EU funding to a project can only account for 80% of the total project budget, which may cause difficulties for small NGOs in accessing these funds. According to one of the EU Delegation representatives interviewed during the process of this research, such criteria can eliminate many civil society actors in the field.<sup>27</sup>

In addition, Member States also provide funding under bilateral cooperation with third countries. According to a mapping exercise of EU member states by the EEAS, an amount of €200 million was allocated between 2008 and 2012. The most generous individual CAAC donors are France, the UK and Germany.<sup>28</sup>

### Diplomatic tools

Concerning diplomatic tools, the EU' aims to keep CAAC high on Human Rights Dialogue agendas. These aim to both raise awareness and provide support to third-countries in addressing such issues. The value of such dialogues has been seriously questioned in earlier research on the topic in 2010, where the author quoted a Commission official commenting that "they come to nice conclusions but what about action?"<sup>29</sup> The same research also mentions that while Demarches are also often used, their potential impact is also questionable.

The EU is also active in promoting CAAC in a number of international fora, such as at the UNGA and as mentioned above, it also supports UN mechanisms.

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<sup>25</sup> Interview with Official, DG Devco, Interview, Brussels, 24 October 2012

<sup>26</sup> Peters, L. (2005). *War is no child's play: child soldiers from battlefield to playground*. Geneva, Geneva Centre for the Democratic Control Armed Forces. [pg. 35]

<sup>27</sup> Kanli, A. (2010) *Is the European Union Fighting the War for Children? The EU Policy on the Rights of Children Affected by Armed Conflict*. EU Diplomacy Papers, 8/2010, Department of EU International Relations and Diplomacy Studies, College of Europe

<sup>28</sup> Interview with Official, EEAS, interview, Brussels, 7 September 2012

<sup>29</sup> Kanli, A. (2010) *Is the European Union Fighting the War for Children? The EU Policy on the Rights of Children Affected by Armed Conflict*. EU Diplomacy Papers, 8/2010, Department of EU International Relations and Diplomacy Studies, College of Europe



## Organigram and strategic competences of implementation of EU CAAC

The table below provides an overview of CAAC implementation through the different policies:

**Table 2:** Overview of EU related Institutions engaging on CAAC

	European Commission	EEAS	Council of the EU	EU Member States
<b>Diplomatic action</b>		EU High Representative EEAS EEAS Delegations	EU High Representative General Affairs and External Relations Council (GAERC) Politico-Military Group (PMG) Council Working Groups (COHOM, CODEV, CIVCOM and regional working groups) Council Secretariat	Foreign Ministries Embassies/Missions
<b>Multilateral and bilateral programming and implementation</b>	EuropeAid DG ECHO	EEAS EEAS Delegations		Development cooperation Ministries/Agencies Operational Development Agencies Embassies/Missions
<b>Crisis Management</b>			ESDP Missions	Contributions to ESDP Missions

**Table 2:** Overview of EU related Institutions engaging on CAAC; Source: EEPA, updated from ECDPM<sup>30</sup>

As Children and Armed Conflict is a cross-cutting issue implementation takes place across the EU institutions and member states. The overall EU structure has recently undergone significant changes as a consequence of the entry into force of the Lisbon Treaty on 1 December 2009. This involved the creation of the post of the High Representative of the Union for Foreign Affairs and Security Policy, together with the establishment of the EU's diplomatic arm, the European External Action Service (EEAS). Consequently, the Diplomatic response on CAAC is implemented through the EEAS, and complemented by the various working groups of the Council at the EU level. On the member state level, diplomatic action is exercised by the Member States' foreign ministries and missions abroad.

Concerning CAAC-targeted projects, implementation happens through both multilateral and bilateral programming. While at the EU level, overall organisation is channeled through the EEAS and its in-country delegations, development policy and humanitarian funding is allocated by respectively by Europeaid (DGDevCo) and DG ECHO. However, strategic competences between the EEAS and the Commission DGs have been rather blurry after the establishment of the EEAS, and their roles have been under discussion in the past number of years.<sup>31</sup>

<sup>30</sup> Sherriff, A (2007) *Enhancing the EU Response to Children Affected by Armed Conflict - With particular reference to development policy - Study for the Slovenian EU Presidency (ECDPM Discussion Paper 82)*. Maastricht updated by EEPA, 02 October 2012

<sup>31</sup> Stross, S. (2012) *Programming financial instruments post-Lisbon: The European External Action Service and the new institutional architecture of EU External Action*. Charles University Prague, paper presented at the Conference 'The European Union in International Affairs III', 3-5 May 2012, Vrije Universiteit Brussel

Concerning the EIDHR, the management structure can be very intricate. The strategic documents are the duty of the EEAS and its in-country delegations, while DG Devco is responsible for designating the funds. Whereas both the humanitarian assistance and the thematic budget of the DCI are entirely coordinated by the Commission DGs at the HQ level, and carried out by partner organizations.<sup>32</sup> In addition, as discussed previously, a significant amount of allocated funds originate from bilateral action, and consequently the Member States play a key role.

Concerning Crisis Management, the acting bodies are the ESDP delegations, complemented by the contributions of the member states.

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<sup>32</sup> Ibid.



# Assessing the Implementation of EU Policy Frameworks

Over the past few years, several reviews and updates have taken place on the EU Policy framework and the implementation strategy on CAAC. According to an EEAS official interviewed for this research, the present instruments are considered up to date and comprehensive. As pointed out by this same official, and other EU Delegation representatives consulted, the main problem remains in the actual implementation.<sup>33</sup>

As was highlighted in the section discussing funding, there is no specific working budget line currently allocated specifically to the issue. It adds to the difficulty that besides funding, human resources are also limited, and often staff is not adequately trained on the issues, which applies to both EU Missions and ESDP operations.<sup>34</sup> Concerning EU Missions, rotation is too frequent and training of all delegates on children's rights and CAAC issues is not realised. According to an official from the representation of an EU Member State, it is basically dependent upon the actual Member State's priorities whether they send delegates specifically trained on CAAC.<sup>35</sup>

Furthermore, it has been underlined by NGO representatives that the amount of effort invested is heavily dependent on the rotating Presidency's priorities.<sup>36</sup> An official of an EU Member State confirmed this view, and pointed out that while refraining from naming and shaming, during the leadership of certain presidencies the issue of CAAC was neglected.

In addition, a significant part of the implementation continues to be undertaken by Member States. As mentioned above, funding for CAAC is allocated on a bilateral basis. The economic crisis, along with key countries reducing their development budgets, can have a high impact on the funding of CAAC projects. Another concern to be considered in relation to the proportion of CAAC-funding being carried out on a bilateral basis is that it risks diminishing the possibilities for a coordinated and comprehensive approach at the EU level.

Another key concern is related to the sporadic and ad-hoc implementation of the Guidelines and the corresponding lack of comprehensive monitoring. According to EU delegation officials consulted, there is no consistent and systematic way to evaluate progress against the Guidelines framework. However, it is hoped that with the introduction of the National Human Rights Strategies which will make reporting on human rights issues annual with a specific focus on Children in relevant countries, monitoring will improve.<sup>37</sup>

Furthermore, the sporadic and ad-hoc fashion in which the Guidelines are implemented results in a general lack of visibility with actors in the field. Results of the survey with War Child Representatives clearly showed that civil society actors and NGOs have very low awareness of the EU framework. The representatives who had already engaged in the implementation of EU-founded projects were generally more aware of the Guidelines but agreed that it has too low visibility to be used as an international advocacy document, especially compared to UN frameworks.

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<sup>33</sup> Interview with Official, EEAS, interview, Brussels, 7 September 2012

<sup>34</sup> Ibid.

<sup>35</sup> Interview with Official, The Permanent Representation of Slovenia to the EU, interview, Brussel, 7 September 2012

<sup>36</sup> Consultation with Tania Cox, Save The Children in Kanli, A. (2010) Is the European Union Fighting the War for Children? The EU Policy on the Rights of Children Affected by Armed Conflict. EU Diplomacy Papers, 8/2010, Department of EU International Relations and Diplomacy Studies, College of Europe p. 16

<sup>37</sup> Interview with Official, EEAS, interview, Brussels, 7 September 2012.

## Conclusions and recommendations

The EU has a strong stated commitment to the plight of children in situations of armed conflict and fragile states. The Guidelines and the implementation strategy for the Guidelines are proof of that commitment, and also provide a reasonably developed framework for CAAC. What is more, it is complemented by a fully pledged support to the UN's relevant frameworks and instruments on the issue. The actual use and implementation of these Guidelines, however, remains a challenge.

The issue of effective implementation has been developed specifically by the EU Presidencies, while the institution which is often coined as the champion of human rights issues, the European Parliament, has hardly paid any specialized attention to this problem, which would create a sense of political urgency.

In addition, while children's rights are considered a cross-cutting issue and should be mainstreamed through all EU external actions, making this a reality remains difficult. Actions relevant to the implementation of the Guidelines are not sufficiently identified in strategic planning, and are therefore taken spontaneously and in an ad hoc fashion. Since there is no specific allocated budget line dedicated to the issue, predictability is reduced, thus preventing long-term strategic planning.

It further adds to the difficulty that little or no specialist training is provided for EU delegates, reducing their ability to implement CAAC strategies. The survey conducted for this study also found that some of the delegations were barely familiar with the EU framework, and only countries where the issue was of particular urgency had delegates specifically trained on this issue, often as a result of previous experience.

The inadequate predictability of EU funding on CAAC projects, as well as the requirement of self-funding of a minimum of 20 percent of project budgets, makes it difficult for local NGOs to make use of available EU funding. In addition, this also creates a phenomenon where calls for proposals do not receive a predictable amount of responses, increasing the ad-hoc nature of CAAC project implementation at an EU level.

The high volume of funding administered at bilateral rather than at EU level undermines the potential for a coordinated approach on the issue. It also allows for the rotating Presidency's priorities to influence how much attention is paid to the issue. The decisions between bilateral and EU-level funding also result in a reduced visibility for the EU framework.

Concerning diplomatic action, the issue often appears to be diplomatically sensitive for EU delegations to raise with governments in CAAC priority countries. When it is discussed, the usefulness of the outcome is questionable, in that it often remains only a piece of paper.

Increased visibility on the abuse of children in situations of conflict is needed, and on actions being taken to ensure child rights are being respected. This report makes the following recommendations to the different institutions in order to reduce and eventually end the problem of children affected by armed conflict:

### **To the EC:**

- A comprehensive implementation strategy should be established at the level of the EU, derived from the Guidelines and that draws on experiences gained from past practices in CAAC countries. Such a strategy framework should be established with the involvement of all relevant actors including NGOs.
- The European Commission should prepare and publish a Communication focusing on the EU approaches to CAAC, and on mechanisms within the EU that ensure an integrated policy approach in the EU's collective response towards CAAC.

- To appoint an EU Special Rapporteur on CAAC to help ensure that the policies of the EU, in support of international agreements established by the UN, are promoted through political dialogue and other means.
- Cooperation planning processes for CAAC target should explicitly include CAAC assessments, and the establishment of benchmarks that can be regularly assessed, and in the establishment of annual action programmes.
- A defined provision for the funding of CAAC actions should be established with the Multiannual Financing Framework of the EU, including specifically defined allocations, in which increased resources are made available at the level of delegations within CAAC countries.
- Additionally, provisions should be made for staff training in delegations, as well as in Brussels, to enable the effective implementation of the CAAC Guidelines.

**To the EEAS:**

- A CAAC portfolio should be included within the cabinet of the High Representative of Foreign Affairs and Security Policy
- A coordination unit should be established within the EEAS to ensure an integrated and consistent approach to CAAC is pursued between the different services of the EU, including Member States. The unit should support EU delegates in CAAC target countries, as well as address long term funding strategies of the EU.
- In addition, a regular dialogue with relevant actors should be established, taking place at least once a year, to assess the implementation of the EU Guidelines on CAAC.
- An annual report on the implementation of the EU CAAC strategy should be produced under the direction of the coordination unit.
- Stronger relevant political mandate / ensuring coordination within the delegation and local actors, e.g. Advisor in the Cabinet of Defence, plus including child protection element in the mandate specifically.
- Furthermore, EEAS should encourage its delegates to bring the issue fully into the political dialogue with national governments.

**To the European Parliament:**

- It is essential for the European Parliament to establish an annual debate on the implementation of the EU's CAAC guidelines, under the guidance of the Human Rights Sub-Committee of the Foreign Affairs Committee.
- Secondly, it should produce an annual Resolution on the implementation of the EU's Guidelines on CAAC.

**To EU Delegates in CAAC target countries:**

- To guarantee that strategies for implementing CAAC guidelines are clearly understood within the delegation and are fully integrated in the EU's policy approaches to the country.
- Ensure that adequate staff, time and expertise are included within the delegation, both at OPS and POL levels
- Ensure that financial resources are available within the delegation to achieve the objectives on CAAC that have been established, and to coordinate approaches with EU members states and other donors involved in funding CAAC actions.
- Furthermore, it is important to ensure that there are sufficient finances available for training and awareness building of delegation staff.

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## Annex 1: Questionnaire with War Child Representatives

The Questionnaire sent to the Representatives of War Child aimed at exploring what is the impression of the EU Policy Frameworks of People who work in the field. The questionnaire focused on the teams' general awareness of the EU framework and whether they consider it useful. Since anecdotal evidence suggests that the visibility of these frameworks is low, the questionnaire also aimed at exploring the representatives' opinion on what they think are the underlying reasons. Finally they were asked how they think the EU's response could be improved, including improving the visibility of the Guidelines with actors in the field.

**Table 3:** War Child Representations approached and responses<sup>38</sup>

	<b>Questionnaire sent to</b>	<b>Response received</b>
1	Afghanistan	x
2	Burundi	
3	CAR	
4	Colombia	x
5	DRC	x
6	DRC (2 <sup>nd</sup> contact)	x
7	Iraq	x
8	Israel / OPT	x
9	Lebanon	X
10	Sri Lanka	
11	Sudan	x
12	South Sudan	x
13	Uganda	x

### The Results

- **General awareness of CAAC issues by local/national actors**

*Survey question: How would you rate the general policy attention from local/national actors in the country you are based on children affected by armed conflict issues?*

Most respondents judged the general awareness to be poor. The comment most frequently included is that that institutions and legislative systems are formally in place, but there is little political will on a national level to enforce legislation.

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<sup>38</sup> While the aim was to contact as many representatives as possible, not all of them were available to fill in the questionnaire or to find time for an interview. The table reflects on which countries' representatives were or were not available.



Two respondents also mentioned that there are capacity problems among duty bearers and that the concept of 'human security' often needs enhancement with local decision-makers and also to be put higher on the priority list.

- **General awareness of EU Policy frameworks on CAAC**

Survey question: *How would you rate the general awareness from local/national actors in the country where you are based on the EU policy frameworks on children affected by armed conflict issues?*

Respondents agreed that awareness of EU policy framework in the countries they are based in is poor, with half of them saying very poor.

Some respondents said that even national legislation is little known or acted upon, which does not allow much room for the international framework. During the phone interviews, many agreed that other international documents, such as UN Protocols and UNICEF guidelines are used more often, and referred to rather than EU policy frameworks.

Only one respondent said that awareness was sufficient, but he pointed out that while he believes that there is awareness of the 'do's and don'ts', there is little political will. Most of the respondents agreed that, similarly to Question 1, the issue on how to pass from rhetorical policy adherence to real endorsement and policy enforcement remains.

- **The team's awareness of the EU Guidelines**

Survey question: *Are you/ Is your team familiar with the EU Guidelines?*

The small majority of representatives were aware of the EU Guidelines to some extent. During the phone interviews, it became clear that the representatives who were more aware of the EU Guidelines were the ones that have looked into the possibility of being involved in EU-funded projects.

- **General impression of the effectiveness of the Guidelines**

Survey question: *What is your general impression of the use and effectiveness of the Guidelines?*

Approximately half of the respondents said that the Guidelines are not useful because of its low visibility, while the other half said that the Guidelines are useful, but more progress is needed in terms of implementation.

The respondents who argued that the Guidelines are not useful pointed to the lack of visibility as the first reason in explaining their response. Respondents agreed that the Guidelines are good in principle, but due to the lack of general visibility, they are not being effectively implemented outside of EU-funded programmes.

One of the respondents also used the opportunity to further enquire about general awareness of the guidelines among local actors, which included child-focused agencies as well as representatives from UNICEF, but none of them were aware of the EU Guidelines. This is despite UNICEF's strong commitment to promote and use the CAAC, CRC and other international children's rights documents.

The War Child representatives also pointed out that other guidelines, such as the UNICEF Guidelines, which correspond to the standards of the UN CRC (in principle similar to the EU Guidelines), have better visibility.

- **Suggestions for improvements**

*Survey question: In what way do you think the EU's response on Children and Armed Conflict could be improved in the country where you are based? (Including the visibility of the Guidelines)*

The majority of War Child representatives agreed that in order to make the Guidelines useful for people working on the ground, the visibility needs to be improved. They suggested several ways in which this could be done:

- Efforts on monitoring and reporting should be put out in the public/wider NGO domain, e.g. inviting other partners to submit reports to inform the content.
- Creating a pool of strong children's rights agencies to advocate jointly for key child protection issues using the CRC, other relevant children's rights treaties and protocols, and the CAAC Guidelines as the background.
- Regular review, monitoring and communication on finding and recommendation

In addition to improving the visibility of the Guidelines, the respondents also suggested ways in which the EU can improve its response on CAAC-related issues:

- More resources to be allocated to CAAC issues. UNICEF does not have enough funds to cover all of the needs, including the reintegration of children recruited by armed groups.
- Build a strategy to compel governments to exert their responsibility as duty bearers.
- Harmonisation of data among different actors, which would lead to a government-led response – in some countries, currently there is no National Action Plan (e.g. Uganda)

### *Key findings*

Most War Child representatives argued that the visibility of the EU Guidelines is critical with civil society actors in the field and lag behind other international instruments, such as those of the UN. The Representatives who were familiar with the Guidelines thought that it was comprehensive and generally a valuable document but very limited in its use due to its lack of visibility. It was pointed out that its use is mainly limited to implementing EU-funded projects rather than referring to the Guidelines as an international advocacy document.

Most respondents agreed that in case the visibility was improved upon, the Guidelines would prove to be useful. The most common recommendations on how visibility could be improved included regular review and monitoring on developments on the implementation of the Guidelines also inviting and including the wider public and civil society/NGO actors. In addition, they suggested creating a pool of strong children's rights agencies to advocate jointly of key child protection issues using the CRC, relevant children's rights treaties, protocols and the CAAC Guidelines as the background.

However, they also agreed that it is also necessary to improve the political will of national and local actors to enforce legislation on CAAC. They argued that the EU's role on CAAC should include creating a strategy to compel governments to exert their responsibility as duty bearers. In the view of the WarChild representatives, other ways in which the EU could improve its action on CAAC include harmonisation of data among different actors, which would lead to a government-led response, while also dedicating more resources, included EU projects as well as supporting UNICEF.

## Annex 2: Questionnaire with EU Delegations/Missions

The Questionnaire sent to EU Delegations/Missions focused on the Missions' awareness, level of use and general impression of the EU Guidelines and other EU Policy Frameworks. It also aimed to gather information on technical aspects of implementing the Guidelines and CAAC projects, such as training and funding. The Questionnaire also asked delegates in which way they think their Mission's response on CAAC can be improved. To this question, suggestions made by an official at the EEAS headquarters were also added.

Table 4: List of EU delegation and Missions approached and responses

	Questionnaire sent to	Response received
1	Afghanistan	
2	Burundi	x
3	CAR	
4	Colombia	x
5	DRC	x
6	Iraq	
7	Israel / OPT	x
8	Lebanon	
9	Sri Lanka	x
10	Sierra Leone	x
11	Sudan	x
12	South Sudan	
13	Somalia	x
14	Uganda	

### The Results

- **General awareness of CAAC issues by local/national actors**

*Survey question: How would you rate your Mission's general awareness of children affected by armed conflict issues?*

All respondents judged positively their team's awareness of CAAC issues. Most of them said their Mission's awareness was 'good' with two countries considering it excellent.

▪ **The Missions' awareness of the EU Guidelines**

*Survey question: How would you rate your Mission's awareness of the EC's Guidelines on Children and Armed Conflict?*

In the case of the Mission's awareness of EU Policy frameworks, and the EU Guidelines in particular, responses were more scattered. There were nearly equal numbers who thought it was poor, sufficient or good. Countries whose representatives answered Question 1 on general awareness on CAAC issues with 'excellent' also tended to rate their Mission's awareness of the EU Guidelines higher. However, even one of these countries admitted that while the Guidelines are a benchmark in accordance with the delegations' responsibilities, it cannot be said that all the European and local officials know and consult them.

Representatives who considered their Mission's awareness of the Guidelines less positively gave the following reasons:

- On the political side, lobbying and awareness is mostly based on the line set by UNICEF (especially UNSCR 1612) and varies according to initiatives from the EU and member states. As such there is no explicit plan of action designed by the EU on CAAC, and therefore the interest in the framework proposed in the Guidelines is moderate.
- As far as guidelines for project implementation and for providing direct assistance to beneficiaries are concerned, partners usually utilize the standard and best practices for this sector (UNICEF manuals, Save the Children, Oxfam...) and/or other more general tools regarding protection (ECHO guidelines). Other programs of a structural nature relating to the integration of children's needs are based on national protocols (health...) and improved/reformed legislation.
- Organisations also have trouble applying for EU-funded projects as they need to provide certain parts of the budget, which causes great difficulties as they operate with considerable budget constraints.
- In addition, in certain countries, in terms of operations, the number of projects specific to children affected by conflict is limited and generally the approach of the EU tends to be about child protection as a whole (street kids, forced labor, prostitution...).

However, even respondents who considered their Mission's awareness to be poor, also pointed out that actions tend to be in line with the Guidelines, but it is not specifically communicated that way.

▪ **Steps taken to implement the Guidelines**

*Survey question: What steps, if any, have been adopted by your Mission to implement the Guidelines?*

Responding to this question, representatives tended to focus on what projects they currently have with a child protection or CAAC focus, rather than compliance with specific elements of the EU Guidelines. This can be explained by the fact that, as explained in the previous question, steps relevant to the implementation of the Guidelines are taken spontaneously and in an ad hoc fashion, without specific reference to the Guidelines.

Consequently, the Guidelines are not implemented in their totality, as only some aspects within are implemented. Different countries listed the different steps that they have taken, which is available upon request (in section Question 3 of the Questionnaires).

#### ▪ **Level of implementation of the Guidelines**

*Survey question: How would you rate the level of implementation of the Guidelines by your Mission?*

Most respondents considered the level of implementation to be sufficient, despite the lack of specific communication of the Guidelines. It was highlighted that under human rights calls for proposals, the EU has in the past founded a few projects, which inter alia sought to promote the Guidelines.

However, the representatives also pointed out that there is room for improvement. One mentioned that while monitoring, reporting and assessment of the situation on the ground (in coordination with other partners and in providing recommendations to the Headquarters) are quite sufficient, there is only a limited action in terms of public diplomacy and demarches. Another respondent drew attention to the need to improve donor coordination.

#### ▪ **General impression of the effectiveness of the guidelines**

*Survey question: How useful have you found the EU Guidelines on Children and Armed Conflict to make informed decisions on your action in the field of children affected by armed conflict?*

More respondents thought that the Guidelines are lacking than those who deemed it useful. Some pointed out that in their country's context, the Guidelines are not entirely applicable (e.g. too much focus on child soldiers), while other pointed to the low visibility. However, it was also highlighted that the Guidelines have good potential to help EU Delegations to design and monitor a specific action plan for CAAC. Representatives whose countries were generally more engaged on CAAC and more positive of the EU framework explained that the Guidelines are very general references and that the implementation strategies of the Guidelines (2006, 2009, 2010), as well as the Guidance Notes sent by the Headquarters to the Heads of Delegations, provide more useful information on implementation.

According to both Delegation representatives and the EEAS, there are enough elements to work with, and it is the implementation which remains a challenge.

#### ▪ **Ways of monitoring the implementation of the Guidelines**

*Survey question: In what way, if any, do you monitor progress?*

According to the representatives, there is no consistent approach to systematically evaluate progress against the Guidelines framework. However, they listed a number of ways in which they evaluate progress on CAAC issues and projects:

- Following and monitoring of projects in different regions through periodical field visits.
- Participation in thematic platforms such as Legal Conversation on Children in Armed conflict led by OHCHR and the Group of Friends of Resolution 1612.
- Human Rights Dialogues.

- Coordination with ECHO.
- Through reports submitted by human rights NGOs to the UN.
- Interaction with the European Commission and EEAS.

According to the EEAS representative interviewed, National Human Rights strategies will be adopted soon, where each delegation will have to think about how to implement children's rights issues. Reporting will be annual and, in relevant countries, there will be a specific focus on Children.

Previously, reporting happened through a system of factsheets, which was only due every 2-3 years.

#### ▪ **Specialist training**

*Survey question: Have you received specialist training / is specialized training offered on the following issues?*

a) *Children's Rights*

b) *Child protection*

c) *Children and Armed Conflict*

Most respondents considered training either non-existent, insufficient or were not aware of such in any of the categories. According to respondents, this can be explained by:

- A lack of a clear training plan in EEAS/DEVCO (a couple of days integrated sporadically into other Human Rights training/workshops).
- Absence of explicit terms of reference/job description/status for a child focal point in the EU Delegations.
- The lack of budget for Missions.
- Overloaded staff with considerable time constraints.

There are missions where training is received, which according to one respondent was offered in both 2009 and 2010. Also, there are online courses available.

However, the courses do not guarantee any sustainability as colleagues either change delegation (officials, contract staff) or have new responsibilities assigned to them. Therefore, the online materials must be renewed frequently.

#### ▪ **Availability of financial resources**

*Survey question: Are the range of financial instruments / avenues for funding at your Mission's/institution's disposal at the headquarters and country level sufficient to respond to the issue of children affected by armed conflict?*

The availability of financial resources also differed between the various countries. Certain countries were more satisfied with the resources that were used on CAAC issues, but there was a general agreement that the most ideal situation would be if there would be more targeted project resources. It was also pointed out that the lack of certainty in terms of potential funding prevents the elaboration of a longer-term strategy and possible duplications of lessons learned.

The main source of funding for CAAC issues comes through global calls launched under IEDHR and DCI thematic budget lines – EU Delegations have limited influence on the selection process and according to a respondent, experience has shown that despite positive evaluations, very few proposals are eventually granted in his country.

- **Ways to improve the Mission's impact**

*Survey question: In what way do you think the EU's and/or your Mission's impact could be improved?*

When asked in which ways the impact of the EU and the Mission could be improved, the representatives had the following suggestions:

- Through a thematic budget line specifically and only for projects related to the issue of CAAC.
- Financial resources should be also increased and made available at Delegation level in order to initiate, in collaboration with other Member States/donors, a more strategic program.
- Besides the funding of ad hoc programs, financial resources should be available for activities promoting training and awareness, and greater mainstreaming of the CAAC issue in EU cooperation.
- Additional staff, time and expertise are needed; both at OPS and POL level – Understaffing is structural and is the main obstacle for the proper initiation of all of the EU Guidelines that address thematic questions (CAAC, gender, minorities, etc.)

Suggestions added by an Official at the EEAS:<sup>39</sup>

- Stronger relevant political mandate, ensuring coordination within the delegation and local actors, e.g. Advisor in the Cabinet of Defence, plus including a specific child protection element in the mandate.
- Encouraging Delegation representatives to bring up the issue in political dialogue, which may be sensitive in certain cases.
- Ensure long-term, predictable funding.

### *Key findings*

Most EU Delegations considered their teams' awareness of CAAC issues good but when it came to EU frameworks and the Guideline in particular, responses were more scattered. Delegates in countries where engagement on CAAC issues was high, considered their team's awareness to be good or very good.

When asked about progress on implementing the Guidelines, respondents mentioned current projects they were running with a CAAC focus rather than providing an outline on how progress made measure up with what is written in the Guidelines. This can be attributed to the fact that implementation is taking place in ad-hoc fashion as opposed to following a strategy with a long-term vision.

Representatives who considered their Mission's awareness of the Guidelines less positive stated that, to begin with, organizations have trouble applying for EU funded projects due to the fact that they need to provide certain parts of the budget. This can cause great difficulties as they operate with considerable budget constraints. Moreover, the EU approach tends to be about child protection as a whole, thus the number of projects specific to children is limited. On the political side, lobbying and awareness is mostly based on the line set by the UNICEF (especially UNSCR 1612) and varies according to punctual initiative from the EU and member states. Interest of the frame proposed in the guideline is moderate, as there is no explicit plan of action

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<sup>39</sup> Official, EEAS, interview, Brussels, 7 September 2012



designed by the EU on CAAC. As a consequence, partners usually utilize the standard and best practices for this sector (UNICEF manuals, Save the Children, Oxfam). In addition, they can also refer to other more general tools regarding protection (ECHO guidelines).

In terms of EU delegation and the applicability of the Guidelines most of them agreed that they only provide for a very general reference and implementation strategies (2006, 2009, 2010), as well as Guidance Notes sent by the HQ to the Heads of Delegations are more useful for effective use in the field.

Delegations' view whether there was enough training and financial resources provided for them varied significantly between the countries. Those that were generally more positive in all other parts of the survey were also more satisfied with the delegation's resources for CAAC. However, many of the delegations had not been specifically trained to deal with CAAC issues, which in their view can be attributed to the lack of clear training plan in the EEAS and DG Devco, which is only sporadically integrated into human rights training as well as the lack of an explicit reference for a child focal point in the Delegations.

Concerning financial resources, it was pointed out that delegations have very little input on the selection of projects that are allocated at headquarter level and that local NGOs often do not have the means to provide for their own contribution to the total budget that is required. It was also pointed out that the lack of certainty in terms of potential funding prevents the elaboration of a longer-term strategy and possible duplications of lessons learned.

In order to improve the EU's action on CAAC in their countries, delegates suggested that there should be a specific budget line only for projects related to the issue of CAAC. As well as more resources, both financial and human, to be allocated at delegation level to be able to create a more strategic programme.

The EEAS official interviewed in Brussels added that there should be a stronger relevant political mandate, e.g. an Advisor in the Cabinet of Defence, plus including child protection element in the mandate specifically. In addition, delegation representatives should be encouraged to take the issue up in political dialogue, despite the sensitivity of the issue.