CHILD SOLDIERS AND THE EU POLICY ON CHILDREN AND ARMED CONFLICT

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CHILD SOLDIERS AND THE EU POLICY ON CHILDREN AND ARMED CONFLICT

Abstract

Since 2000, the association of children with armed forces and armed groups has been reported in most armed conflicts and in almost every region of the world. Tens of thousands of children under the age of 18 continue to serve in armed forces or armed groups. Hundreds of thousands are in one way or another affected by armed conflict. This report takes stock of the state-of-the-art in academia, policy and practice. It assesses the current level of implementation of the commitments made in the EU Guidelines on Children Affected by Armed Conflicts adopted in 2003 (as revised in 2007) generally, and by way of a country study of the Democratic Republic of Congo. Particular attention is paid to the EU's complex aid architecture (consisting of a mix of thematic and geographic instruments) and how the complementarity of these instruments can be maximised. The report concludes with an extensive list of recommendations and policy options for the European Union, clustered around issues of complexity, comprehensiveness and coherence.

This study was requested by the European Parliament's Sub-committee on Human Rights (DROI).

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GLOSSARY AND ABBREVIATIONS

ACP	African, Caribbean and Pacific Countries
ANR	National Intelligence Agency of the DRC (Agence nationale de renseignements)
Armed forces	State troops
Armed groups	non-state armed groups
ANSA	Armed non-state actor
ATT	Arms Trade Treaty
CAAC	Children affected by armed conflict
CAAFAG	Children associated with armed forces or armed groups
CBSS	Country Based Support Scheme
CMPD	Crisis Management and Planning Directorate
COHOM	Council of the European Union Human Rights Working Group
CRC	Convention on the Rights of the Child
CSDP	Common Security and Defence Policy
CSO	Civil Society Organisation
CTO	Transit and Orientation Center
DAC	Development Assistance Committee
DCI	Instrument for Development Cooperation
DDR	Disarmament, Demobilisation and Reintegration
DRC	Democratic Republic of the Congo
DEVCO	Directorate-General Development and Cooperation
EC	European Commission
ECHO	Directorate-General for Humanitarian Aid and Civil Protection
EDF	European Development Fund
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
ENP	European Neighbourhood Policy
EU	European Union
EUPOL	European Police mission in the DR Congo
EUSEC	EU advisory and assistance mission for security reform in the Democratic Republic of Congo
HREUFASP	High Representative of the European Union for Foreign Affairs and Security Policy
ICC	International Criminal Court
ICRC	International Committee of the Red Cross

IfS	Instrument for Stability
ILO	International Labour Organization
IIP	Investing In People
LRRD	Linking Relief, Rehabilitation and Development
MS	Member State
M23	Mouvement du 23 Mars
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
OCT	Overseas Countries and Territories
ODA	Official Development Aid
OECD	Organization for Economic Co-operation and Development
PSC	Political and Security Committee
RRMP	Rapid Response to Movement of Population
SRSG	Special Representative of the Secretary General
SSR	Security Sector Reform
UN SC	United Nations Security Council
UNSG	United Nations Secretary General
UNICEF	United Nations Children's Fund

EXECUTIVE SUMMARY

Since 2000, the association of children with armed forces and armed groups has been reported in most armed conflicts and in almost every region of the world. Although there are no exact figures, and numbers keep changing, it is safe to say that tens of thousands of children under the age of 18 continue to serve in armed forces or armed groups. There is solid evidence that it does not make sense to isolate child soldiers from the much broader category of children that have been affected by armed conflict (CAACs). It is one of the achievements of the European Union's work on the topic that it focuses on *all* CAACs, instead of singling out child soldiers.

This report examines and assesses EU policies and action, and proposes options for the EU in policy and practice to make further progress in addressing the problem of children affected by armed conflict.

Main findings

The findings in this report cover: the realities and trends on children affected by armed conflict; legal frameworks and international initiatives; academic knowledge base; the EU legal and policy framework, as well as EU initiatives to address the issue; and a case-study of how these policies and initiatives play out at the country level in the Democratic Republic of Congo.

The topic of children affected by armed conflict (CAACs) is vast and complex. Many hundreds of thousands of children are affected by armed conflict, and many tens of thousands are involved in armed conflict in one way or another.

There tend to be many more voluntary than forced recruits. Recruitment reoccurs after demobilisation. There are therefore no simple answers to voluntary enlistment or to the return to armed forces or groups after demobilisation. The dilemma whether child soldiers are primarily victims or perpetrators will not go away. Children are in many different ways *involved* in armed conflict, not just through participation in hostilities. Many more are strongly *affected* by armed conflict, and some groups such as girls, children in poverty and children with disabilities are particularly affected. Both states and non-state actors are involved. The topic is closely connected with broader issues of poverty, failed states, peace and reconciliation, which require long-term engagement.

International efforts to address the issue

Legal standards on child soldiering and CAACs have been developed in different fields of international law. Legal standards and age limits are at variance. With regard to *child soldiers*, a state or individual should minimally refrain from the recruitment of children below the age of 15, and take all feasible measures to avoid their active participation in hostilities below the same age. During armed conflict, all feasible measures need to be taken to ensure the protection and care of *children affected by armed conflict*. Maximally, states that are a party to all the legal instruments are under obligations to refrain from compulsory recruitment of children below the age of 18, to take all feasible measures to avoid their active participation in hostilities below the same age, and to ensure the protection and care of *children affected by armed conflict*.

At the United Nations, several actors are involved in addressing the issue. In addition to the Special Representative of the Secretary General for Children and Armed Conflict (SRSG), a Security Council Working Group on Children and Armed Conflict focuses on six grave violations: killing and maiming of children; recruitment or use of children as soldiers; sexual violence against children; attacks against schools and hospitals; denial of humanitarian access for children; and abduction of children (UNSC Resolution 1612). Guidelines on CAACs have been developed on inter alia assistance to non-UN

security forces, humanitarian action, development cooperation and economic support programmes. At the country level, the main instruments are in-country task forces involved in monitoring and reporting, and actions plans. Finally, criminal prosecution has taken place by the International Criminal Court (ICC) for the recruitment and use of children in armed conflict.

Lessons learnt: the academic evidence base

There is a solid knowledge base for the following conclusions. First of all, there is the need for a balanced image of child soldiers, as they are simultaneously victims and perpetrators. There is no conclusive evidence on the deterrent effect of prosecution of perpetrators on recruitment and use of child soldiers. The more punitive, shame and sanction approaches need to be complemented with initiatives that engage more positively with armed non-state actors, e.g. through dialogue.

The complex nature of current armed conflicts and their direct and indirect consequences necessitate long-term interventions during and after conflict. Gaps between humanitarian crisis intervention (during and shortly after the conflict) and long term development cooperation need to be bridged. Layers of needs and corresponding responses need to be distinguished (intervention pyramid), for only a small group is in need of specialised mental health care. More generally, a community resilience approach in which support to communities encompasses not only the reduction of risk factors, but also the reinforcement of protective factors works best.

Long-term development programming for CAACs needs to focus on inter alia child protection systems, education and employment schemes. Current thinking focuses on strengthening the child protection systems, which may encourage a more holistic approach and greater inclusion.

Economic strengthening needs to be integrated from the beginning in rehabilitation programmes, and to draw on local market analysis, joint field missions and multidisciplinary teams. There is strong evidence that conditional cash transfers have positive outcomes. However, conditional cash transfers tend to be sensitive, as they are often perceived of as rewarding perpetrators. This may necessitate blanket coverage of the whole community.

Assessment of EU efforts

The EU has a fairly comprehensive policy framework on children and armed conflict. The Council of the European Union adopted EU guidelines on children and armed conflict in December 2003, which were updated in 2007. The Council's Human Rights Working Group (COHOM) is charged with implementation and follow-up. To that effect, an EU Implementation Strategy on Guidelines for Children and Armed Conflict was adopted in 2006, and reviewed in 2010. A list of priority countries has been identified, which was recently aligned with that of the UNSG. Under the 2012 Strategic Framework and Plan of Action, the implementation of the 2010 Revised Implementation Strategy of the Guidelines on children and armed conflict is mentioned as one of the actions envisaged. EU policies on CAAC can be assessed against three main criteria: acknowledgement of complexity; comprehensiveness and coherence. The EU 2007 Guidelines on children and armed conflict are generally well in line with the academic knowledge basis. Whereas no fundamentally new policy options are required, the 2007 Guidelines could certainly be strengthened by paying more attention to long-term processes of recovery and reintegration that are rooted in communities and fully acknowledge cultural resources. However, it is mainly at the level of implementation that major improvements are needed.

With the presence of several Common Security and Defence Policy (CSDP) missions in the priority list countries, and given the strong focus of EU assistance on national security forces through training or Security Sector Reform support, an official policy needs to be elaborated on the support to forces

listed as perpetrators of serious violations against children in the annual reports of the UN Secretary General.

The EU has a range of diplomatic and financial instruments at its disposal and there is a clear effort by the EU institutions to use these for CAAC-related issues. There is little known on the use of diplomatic instruments. With regard to the financial instruments, in general, a reasonable balance exists between, firstly, funding for prevention, child protection, emergency education, demobilisation and reintegration and, secondly, between projects dealing with more short-term intervention and those aimed at longer-term development. However, this is rarely replicated at the country-level, where there is often a significant imbalance in terms of funding, types of projects supported and the complementarity of EU Member State's involvement. EU funding for CAAC projects has not been stable through time. By making more use of the Instrument for Stability and the structural geographic instruments, more sustained funding could be secured, while also bridging the gap between humanitarian and development interventions.

Under the thematic instruments (i.e. Investing in People and the European Instrument for Democracy and Human Rights), there are specific budget lines to support the implementation of the 2007 Guidelines on children and armed conflict. However, an integrated and comprehensive approach in the priority countries has not yet been adopted.

The EU Children of Peace initiative acknowledges the importance of education in emergency situations as a child protection strategy and links short-term projects with a long-term development approach. Nevertheless, in order to transform the Children of Peace initiative into a strategic programme that is part of a comprehensive EU approach to CAAC, its funding will have to increase significantly.

The Instrument for Stability has critical potential for EU action on CAACs, but is still underused. The instrument can address geographic and substantive gaps left by the thematic programmes, such as country specific interventions based on emerging needs identified by EU Delegations. Moreover, it can complement the activities of EU Common Security and Defence Policy missions in areas with CAACs. Geographic financial instruments have only rarely been used to fund CAAC projects.

Case-study on the Democratic Republic of Congo

A country study on the Democratic Republic of Congo (DRC) shows that whereas there is awareness of the CAAC issue within the local EU Delegation, it receives relatively little attention in comparison to other (human rights) issues. The number of projects specifically dealing with CAAC is limited. The EU Guidelines are little used. The implementation of the advocacy, coordination and monitoring aspects contained in the 2007 Guidelines are hampered by understaffing and lack of financial means at the Delegation level. The lack of possibilities for ad hoc or more strategic funding for the Delegation prevents the development of a more comprehensive and overall funding framework seeking complementarity with funding from the Member States and other donors.

The EU activities in the DRC demonstrate an active effort both from the Headquarter and EU Delegation level to engage with the issue through project funding: the CAAC projects in the DRC are based on an inclusive and comprehensive approach to the CAAC issue, in a context-specific way. However, the unpredictable nature of thematic funding leads to ups and downs in the budget available for CAAC and in the level of involvement of the EU. It also prevents selection of projects under thematic funding based on a wider country-specific strategy. This, taken together with the lack of budget available at the Delegation level to address emerging crisis response gaps, limits the potential role of the EU.

The EUSEC mission has adopted a strong CAAC-conscious approach in its SSR projects, both in terms of the training provided to the armed forces (FARDC) and through mainstreaming of the issue in other pillars of the mission, such as administrative reform. The close engagement of the EUSEC mission with the FARDC, together with the presence of the EU Delegation, creates leverage at the level of the Government and the FARDC to push through and follow up on CAAC-sensitive reforms, such as the implementation of the Action Plan.

Policy options and action points

The policy options and action points revolve around issues of complexity, comprehensiveness and coherence. It is recommended firstly to keep acknowledging the complexity of the problem, while aiming to reduce the complexity of the normative framework; secondly, to offer comprehensive responses reaching beyond child soldiers, disarmament and demobilisation, humanitarian intervention, an reactive approach, and an exclusive focus on states; and finally, to develop both internal and external coherence and cooperation.

1 INTRODUCTION

1.1 Objective

The objective of this study is to take stock of the achievements and current level of implementation of the commitments made in the EU Guidelines on Children Affected by Armed Conflicts adopted in 2003, with a focus on child soldiers, and to list policy options for the European Union, and in particular the European Parliament.

1.2 Approach and methodology

This study maps achievements, flags remaining challenges, and lists policy options on children affected by armed conflict, in line with the terms of reference. In order to get a sense of experiences and challenges as well as of EU impact on the ground, a case study on the Democratic Republic of Congo (DRC) was included.

This report mainly draws on a desk study that was undertaken in September-November 2013 to review the academic and grey literature. In addition, much first-hand input was collected at an international conference on the recovery and reintegration of children and youth affected by armed conflict in Kampala, Uganda (25-27 September 2013) and during a field trip to the Great Lakes Region in November 2013. The authors have reached out to strategic EU institutions and civil society actors. Consultations and interviews have been conducted with Child Soldiers International; War Child; Child Soldiers Initiative; International Centre for Transitional Justice; Centre for Children in Vulnerable Situations; European External Action Service (EEAS); Directorate-General Development and Cooperation (DEVCO); Crisis Management and Planning Directorate (CMPD); Directorate-General for Humanitarian Aid and Civil Protection (ECHO); EU Delegations; United Nations Children's Fund (UNICEF); United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO); War Child; Belgian Ministry of Foreign Affairs; and Embassies od EU Member States. Other actors were approached, but did not respond.

1.3 Substantive scope

There is solid evidence that it does not make sense to artificially isolate child soldiers from the much broader category of children that have been affected by armed conflict (CAACs). It is one of the achievements of the EU's work on the topic that it focuses on all CAACs, instead of singling out child soldiers. In the same spirit, the Security Council expanded its focus and mandate from recruitment to six grave violations. We will therefore examine the issue of child soldiers and responses to it within the broader context of all CAACs.

2 CHILDREN AND ARMED CONFLICT: FACTS AND FIGURES

In this chapter, the first two questions of the terms of reference are addressed, i.e.:

1. surveying the reasons and practices of recruiting children in armed conflicts today, providing a map of the relevant countries, identifying the worst perpetrators and offering a definition of 'child soldier';
2. assessing the impact of recruiting child soldiers on their lives and the society in general.

2.1 Reasons for recruitment of children

Often, a distinction is made between forced recruitment and voluntary enlistment of children. Forced recruitment is associated with the forceful image of abductions, discipline and cruelty. Reasons for

which regular armed forces of the state or armed groups may choose to recruit children are diverse: they may be easier in accepting orders, be more efficient economically, or may be strategically more attractive as suicide bombers, spies and so on. The availability of small and light arms has certainly facilitated the use of children as fighters. However, their participation in armed conflicts is much more multifaceted: they are also used as cooks, porters, messengers or for sexual purposes (Child Soldiers International 2012; Secretary General 2013).

Voluntary recruitment is complex and cannot be explained by a single cause: poverty and other socio-economic conditions; displacement and family separation; mobilisation along ethnic or religious lines; revenge or defence of the own family or community are all explanatory factors. Admittedly, whereas the distinction between forced and voluntary recruitment may be helpful analytically, that distinction is often blurred in practice. Many will also argue that there is no real voluntary enlistment, as children who voluntarily join armed forces or groups are in fact forced by structural factors and circumstances. Knowledge gaps remain as to the underlying reasons for children to join armed forces or groups. Motivations may also be context-specific. These elements make it more difficult to come up with adequate responses.

2.2 Definition of child soldier

Within the broad category of children affected by armed conflict, there are those who are associated with an armed force or armed group. The internationally agreed definition of child is any person below 18 years of age (art. 1 Convention on the Rights of the Child). The commonly used definition for a child soldier is any person below 18 years of age who is or has been recruited or used by an armed force or armed group *in any capacity*. In other words, it does not refer only to a child who is taking or has taken a direct part in hostilities. This is the definition used in the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups. These principles and guidelines were agreed upon in 2007, and have meanwhile been endorsed by more than one hundred governments.

It is important to note that not all recruitment or use of persons below 18 is legally prohibited. Whereas there is an undeniable tendency towards (e.g. in ILO Convention No. 182 and to some extent in the Optional Protocol to the Convention on the Rights of the Child on Children and Armed Conflict) and strong advocacy for a straight-18 approach, the absolute minimum threshold across legal instruments is 15 years old (see e.g. the 1977 Additional Protocols to the Geneva Conventions; art. 38 Convention on the Rights of the Child; art. 8 Rome Statute). These diverging age limits under international humanitarian, children's rights, labour and criminal law is not particularly helpful in sending out a clear and unequivocal message (Vandenhole, Parmentier & Derluyn 2011).

The notion of child soldiers has also been challenged for it seems to admit that children are combatants ('soldiers'), which may endanger their protection status (Greijer 2013).

2.3 Practices and trends

In the complex reality of armed conflict, which is characterised by a mixture of political, economic, military and social powers all struggling for control over scarce resources, civilians, including children and young people, are more and more targeted as a war strategy (Goodhand & Hume, 1999). The evolving character and tactics of armed conflict – including the absence of identifiable opponents; the use of terror tactics by armed groups; the use of children as suicide bombers or human shields etc. – represent clear threats to children and young people (Secretary General 2013). They also show that a narrow focus on child soldiers or on their active participation in hostilities is unwarranted.

The 2013 annual report of the Secretary General on children and armed conflict (covering 2012) presents information about grave violations committed against children in 22 country situations (see Figure 1). The report also includes a list of armed groups and armed forces which recruit and use children, kill and maim, commit sexual violence or attacks on schools and hospitals in conflict zones.

Figure 1. Map of countries (source: http://childrenandarmedconflict.un.org/countries/map/)

❖ Where Parties are listed in the Secretary General's Annual Report on Children and Armed Conflict
❖ Other situations of concern

Since 2000, the association of children with armed forces and armed groups has been reported in most armed conflicts and in almost every region of the world. Although there are no exact figures, and numbers keep changing, it is safe to say that tens of thousands of children under the age of 18 continue to serve in armed forces or armed groups. In all major conflicts, children represent 10 to 40% of the strength of armed forces and groups[1].

For sure, there is an increasing number of states that legally prohibit child recruitment in their armed forces. Fewer states also deploy under-18s, even if they do not legally prohibit it. However, when states are involved in (protracted) armed conflict, they tend to have children in their regular armed forces or affiliated paramilitary groups (Child Soldiers International 2012).

There are more than 30 persistent perpetrators, i.e. parties to a conflict who have been named and listed by the UN Secretary General (UNSG) for more than five years or more. The Security Council Working Group dedicated a session to the issue in May 2013. These persistent perpetrators can be found in eleven countries or regions:

1. in Afghanistan: Taliban forces, including the Tora Bora Front, the Jamat Sunat al-Dawa Salafia and the Latif Mansur Network;

2. in the Central African Republic, Democratic Republic of the Congo, South Sudan and Uganda: Lord's Resistance Army (LRA);

3. in the Central African Republic: Convention des patriotes pour la justice et la paix (CPJP); Convention des patriotes pour la justice et la paix fondamentale (CPJP fondamentale), as part of the Séléka coalition; Convention patriotique pour le salut du Kodro (CPSK), as part of the Séléka coalition; Front démocratique du peuple centrafricain (FDPC); Mouvement des libérateurs centrafricain pour la justice (MLCJ); Union des forces démocratiques pour le rassemblement (UFDR), as part of the Séléka coalition;

4. in Chad: National Army of Chad;

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[1] http://www.unddr.org/key-topics/children/introduction_1.aspx

5.   in the Democratic Republic of the Congo: Armed Forces of the Democratic Republic of the Congo (FARDC); Forces démocratiques de libération du Rwanda (FDLR);

6.   in Myanmar: Democratic Karen Benevolent Army (DKBA); Kachin Independence Army (KIA); Karen National Liberation Army (KNLA); Karen National Liberation Army Peace Councila; Karenni Army (KA); Shan State Army South (SSA-S); Tatmadaw Kyi, including integrated border guard forces; United Wa State Army (UWSA);

7.   in Somalia: Al-Shabaaba; Somali National Armed Forces;

8.   in South Sudan: Sudan People's Liberation Army (SPLA);

9.   in the Sudan Government forces, including the Sudanese Armed Forces, the Popular Defence Forces (PDF), the Sudan police forces (Border Intelligence Forces and Central Reserve Police); Justice and Equality Movement (JEM); Pro-Government militias; Sudan Liberation Army/Abdul Wahid; Sudan Liberation Army/Historical Leadership; Sudan Liberation Army/Minni Minawi; Sudan Liberation Army/Mother Wing (Abu Gasim).

In addition, there are two countries in which parties are listed in the UNSG report although they are not on the agenda of the Security Council:

10.   in Colombia: Ejército de Liberación Nacional (ELN); Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (FARC-EP);

11.   in the Philippines Abu Sayyaf Group (ASG): Moro Islamic Liberation Front (MILF); New People's Army (NPA).

2.4   Impact of armed conflict on children

Civilians that are exposed to armed conflict – adults, young people and children alike – get exposed to a range of traumatic experiences and violations of human rights (e.g. massacres, sexual violence…). This exposure often has a devastating impact on their individual physical and emotional well-being (Derluyn et al., 2013; Machel, 1996). It also destroys social bonds and the protective role of communities, for the violence often leads to high levels of stigmatisation and discrimination, especially given the large involvement of civilians as active agents in these conflicts (including children recruited as child soldiers) (Burkle, 1999). In the long run, destroyed communities, disrupted social bonds and the emotional impact of armed conflict on civilians and especially the children and young people in these societies, may threaten a long-term and sustainable peace-building in these regions and countries (Bayer et al., 2007; Pham et al., 2004).

The effects of armed conflict on education were documented in the 2011 UNESCO Education for All Global Monitoring Report. In conflict-ridden poor countries, 28 million children of primary school age are out of school. Only 78% of young people are literate in these countries, compared to 93% in other poor countries. Schools and schoolchildren are increasingly targeted by armed forces and groups. Due to armed conflict, many millions are displaced. Displaced children face major barriers to education. The UNESCO report identifies four systemic failures, i.e.: failures of protection (against gross human rights abuses in which schools and/or students are targeted), provision (not maintaining access to education amid conflict), reconstruction (not giving a more prominent place to education in the post-conflict reconstruction agenda) and peace-building (not recognising that education policy in part of conflict prevention and peace-building) (UNESCO 2011).

There is an important gender dimension, in that girls are often targeted by the use of sexual violence during and after armed conflict. Female children associated with armed forces or armed groups (CAAFAGs) run the risk of sexual assault and harassment (CEDAW 2013).

There tend to be many more voluntary than forced recruits; the association of children with armed groups may be "the best of bad options during conflict situations" (Somer 2012, 116). Children often also prefer to stay with armed forces or armed groups (AFAGs) (Somer 2012). Therefore, the dominantly humanitarian discourse that represents children and young persons involved in armed conflict as vulnerable and not responsible for their acts is quite inaccurate. Whereas there is undoubtedly some truth in that image, literature has equally emphasised their resilience, and the need to acknowledge their responsibility (though not necessarily in a legal, criminal law sense) to allow them to go on with their lives (Drumble 2012; Weyns 2012). Ethnographic studies, among others, have revealed the tension between these qualifications on the one hand, and local understandings and children's perceptions on the other (Lee 2011).

There is also increasing evidence that the problem of recruitment reoccurs. Children associated with armed forces or groups go through a revolving door, i.e. they go in and out reintegration programmes. They frequently return to the armed group or force they used to belong to.

3 EFFORTS AT THE INTERNATIONAL LEVEL

This chapter addresses the third question in the terms of reference, i.e. to provide an analysis of efforts at international and national level to address the various aspects of the problem and their results, including an overview of relevant international and national players and legislative framework and identifying the most effective existing and possible measures to prevent hiring of child soldiers and address impunity. Prevention of the enlistment of child soldiers and addressing impunity of those who enlist child soldiers under the age of 15 is only a partial and incomplete response though. What is also needed is a clear and comprehensive view and policy on recovery, reintegration and reconciliation of all children affected by armed conflict, including psycho-social support and economic programmes. The evidence base on these efforts is therefore presented as well.

3.1 Mapping of efforts

3.1.1 Legal and policy frameworks

Legal standards on child soldiering and CAACs have been developed in different fields of international law, in particular international humanitarian law, human rights law, international criminal law and international labour law. First, international humanitarian law (IHL), in particular the 1977 Additional Protocols to the Geneva Conventions, mainly imposes an obligation to refrain from recruiting and using children under the age of 15 in hostilities. Specific attention is paid to the need for special protection for children,[2] and to their recruitment and participation in hostilities. A major weakness of the IHL provisions is, however, that they are not monitored by a strong mechanism. Whereas the International Committee of the Red Cross may have a watchdog function, it is not an enforcement mechanism in legal terms.

Human rights law, through Article 38 of the Convention on the Rights of the Child (CRC, 1989), prohibits the recruitment and participation of children under the age of 15. Article 39 CRC explicitly envisages measures to ensure the physical and psychological recovery and social reintegration of child victims of armed conflict. The inclusion in the CRC can be seen as a step forward in that this treaty provides for a monitoring procedure and body (i.e. a reporting procedure with the Committee

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[2] In addition to the general protection offered to non-combatant civilians: the prohibition of attacks on the civilian population or individual civilians is a fundamental rule of international humanitarian law.

on the Rights of the Child, see Articles 43-44 CRC), and because it applies to almost all states in the world (193 ratifications for the CRC, as compared to between 165 and 170 for the Additional Protocols). Moreover, it also applies in peacetime. Finally, it has been argued that by including international humanitarian law in a human rights treaty the latter may be applicable to non-state actors. The Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (OPAC, 2000) raises the minimum age to 18 for compulsory recruitment and also pays attention to the recovery and social reintegration of children. Regarding those recruited or used in hostilities in contravention of the Protocol, measures for their demobilisation are explicitly envisaged (Article 6 para. 3 OPAC). However, a 'straight-18' approach was not adopted for national armed forces and with regard to voluntary recruitment: it imposes only an obligation to *raise* the minimum age from 15. Regional human rights instruments too have explicitly addressed children and armed conflict, notably the African Charter on the Rights and Welfare of the Child (ACRWC, 1990)[3].

ILO Convention No. 182 on the Worst Forms of Child Labour was adopted in 1999. That Convention lists the "forced or compulsory recruitment of children for use in armed conflict" among the worst forms of child labour (Article 3). The ILO Convention applies a 'straight-18' approach with no exceptions. Moreover, it may have a particular role to play in rehabilitation efforts, given the ILO's technical assistance programme for child labour, the International Programme on the Elimination of Child Labour (IPEC).

In the context of international criminal law, the Statute of the International Criminal Court (ICC 1998) defines as a war crime the conscripting or enlisting and use for active participation in hostilities of children under the age of 15 (Article 8, paras. 2b [xxvi] and 2e [vii]). Whereas the CRC, OPAC and ILO Convention No. 182 all deal with *state* responsibility, the Rome Statute of the ICC defines *individual* criminal responsibility.

Finally, Principles and Guidelines on Children Associated with Armed Forces or Armed Groups ('Paris Principles') were adopted specifically on the recovery and reintegration of children affected by armed conflict. The Paris Principles, an update of the 1997 Cape Town Principles, were adopted in February 2007 in Paris by a broad range of States, and continue to be endorsed by more and more states[4].

The legal *acquis* has been examined in full elsewhere (Vandenhole 2011). In a nutshell, with regard to *child soldiers* a state or individual should minimally refrain from the recruitment of children below the age of 15, and take all feasible measures to avoid their active participation in hostilities below the same age. During armed conflict, all feasible measures need to be taken to ensure the protection and care of *children affected by armed conflict*. Maximally, states that are a party to all the instruments mentioned above are under obligations to refrain from compulsory recruitment of children below the age of 18, to take all feasible measures to avoid their active participation in hostilities below the same age, and to ensure the protection and care of *children affected by armed conflict*. States parties to the ACRWC are under the most far-reaching obligations, as it applies a 'straight-18' approach.

Notwithstanding the possibility to provide an integrated reading of the international legal standards, the fragmentation of norms and monitoring bodies creates problems of confusion and uncertainty on the ground.

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[3] For an analysis, see B. Mezmur, Children at Both Ends of the Gun: towards a Comprehensive Legal Approach to the Problem of Child Soldiers in Africa, 2005, http://etd.uwc.ac.za/usrfiles/modules/etd/docs/etd_init_1181_1176816169.pdf (12 April 2011).
[4] More information on http://www.unicef.org/protection/57929_58012.html.

3.1.2   Actors, initiatives and practices

Within the UN, the Special Representative of the Secretary General for Children and Armed Conflict (SRSG), since September 2012 Ms Leila Zerrougui, seeks to further the implementation of the international legal framework and to develop or strengthen mechanism for the protection of children affected by armed conflict. A Strategic Framework 2011-13 was adopted in 2011, and includes the ending of the recruitment of children by state security forces. The SRSG focuses on: strengthening monitoring and reporting on grave violations against children; increasing support for the implementation of action plans to stop recruitment and reintegrate child soldiers; enhancing cooperation with UN member states and regional organisations; prevention and rapid responses; and on increasing pressure on persistent perpetrators (Secretary General 2013). L. Zerrougui chairs the Task Force on Children and Armed Conflict, an inter-agency mechanism that fosters discussion, collaboration and cooperation to advance the children and armed conflict agenda[5].

A monitoring and enforcement role has been assumed by the Security Council, which monitors armed conflict situations. In addition, the Secretary General lists perpetrators in its annual report. A Security Council Working Group on Children and Armed Conflict (CAAC) was established in July 2005. This Working Group initially focused only on child recruitment and use, but broadened its mandate in 2009 to include the following six grave violations: killing and maiming of children; recruitment or use of children as soldiers; sexual violence against children; attacks against schools and hospitals; denial of humanitarian access for children; and abduction of children (UNSC Resolution 1612). The Working Group reviews country situations and issues Conclusions.

Work in New York is paralleled at the country level, for situations listed in the SG report are to be reported on by an in-country UN task force through the monitoring and reporting mechanism (MRM). On the response side at country level, action plans have been developed. An action plan is an agreement between the UN and armed forces and groups to release and reintegrate child soldiers, or to end sexual violence (Nylund 2011).

The Inter-Agency Working Group on disarmament, demobilisation and reintegration (IAWG/DDR) works to increase the United Nations' capacities in DDR[6]. Practical guidance on the do's and do not's in programming and action in the field can be found inter alia with the United Nations Disarmament, Demobilisation and Reintegration Resource Centre[7]. The UN instituted in 2011 a system-wide human rights-due diligence policy to regulate the provision of UN support to non-UN security forces (HRDDP)[8]. Training modules and handbooks have also been developed for military, police and

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[5] The Task Force consists of the United Nations Children's Fund (UNICEF), the Department of Peacekeeping Operations, the Department of Political Affairs, the Office of Legal Affairs, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office for the Coordination of Humanitarian Affairs, UN Women, the Department for Disarmament Affairs, the Office of the Special Adviser on Africa, the Office of the Special Adviser on Gender Issues and Advancement of Women, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP) and the International Labour Organization (ILO).

[6] IAWG was established by the UN Executive Committee on Peace and Security (ECPS) on 31 March 2005 and is co-chaired by the Department of Peacekeeping Operations (DPKO) and the United Nations Development Programme (UNDP). It currently comprises 20 UN member entities.

[7] See http://www.unddr.org/key-topics/children/children-associated-with-armed-forces-and-armed-groups-key-non-negotiables_4.aspx. The European Union contributed 1.5 million Euro (2010-2011) to help expand IAWG capacities in the three areas of knowledge management; capacity development, including gender/HIV responsiveness; and Secretariat support. Children were not included as an explicit area (http://www.unddr.org/meet-the-team/introduction_14.aspx).

[8] http://rconline.undg.org/wp-content/uploads/2011/11/2011-HRDDP-Policy.pdf.

peacekeeping personnel (see, e.g. Child Soldiers Initiative, with an on-line manual Child Soldiers: A Handbook for Security Sector Actors).

In 2007, the Inter-Agency Standing Committee[9] issued Guidelines on mental health and psycho-social support in emergency settings to enable humanitarian actors to plan, establish and coordinate a set of minimum responses to protect and improve people's mental health and psycho-social well-being in the midst of an emergency[10]. An advocacy campaign on mental health and psycho-social support in emergencies encourages all humanitarian actors and United Nations Member States affected by or at risk of emergencies to embrace and implement the inter-agency standing committee guidelines[11]. UNICEF has developed Guidelines for child-friendly spaces during emergencies[12] and a practical guide[13]. UNICEF has thus made a child-specific contribution to mental health and psycho-social support for children and young people. However, psycho-social support for children and young people should not be reduced to child-friendly spaces.

ILO, through the International Programme on the Elimination of Child Labour (IPEC), seeks to prevent recruitment of children at risk and ensure sustainable reintegration of children formerly associated with armed forces and armed groups, by focusing efforts on providing sustainable work opportunities for children of legal working age. IPEC's strategy is to contribute to strengthening the economic component of reintegration programmes implemented by partner organisations. IPEC has documented its work on the economic dimension to prevention and reintegration in the Strategic framework for addressing the economic gap in prevention of child recruitment and reintegration of children associated with armed forces and groups and the "How-to" guide on economic reintegration of working age children formerly associated with armed forces and groups[14].

UNICEF works for release reintegration, and supports services that care for the physical and mental health and well-being of children associated with armed forces and armed groups, provide them with life skills and engage them in education, vocational skills and livelihoods training. A community-oriented approach is adopted that includes support to other vulnerable children who have also been severely affected by the conflict so as to promote reconciliation and avoid discrimination[15]. In 2013, an EU funded Child Rights Toolkit on Integrating Child Rights in Development Cooperation was issued[16]. The Child Rights Toolkit engages substantively with the issue of children and armed conflict in its module 7 on child rights in crisis and risk-prone situations.

In addition to prevention and protection, release and reintegration of affected children, and to monitoring, naming and shaming of armed groups and forces, resort can also be made to prosecution of individual perpetrators. There is a general tendency to consider children associated with armed forces or armed groups (CAAFAGs) primarily as victims, not as perpetrators. Commanders of armed groups and former political leaders have been indicted and prosecuted for the recruitment and use of children in armed conflict. In March 2012, a Trial Chamber of the International Criminal Court (ICC) convicted Lubanga, a former rebel leader in the DRC, for the war crime of recruiting

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[9] The IASC is an inter-agency forum for coordination, policy development and decision-making involving the key UN and non-UN humanitarian partners.

[10] http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-subsidi-tf_mhps-default .

[11] http://www.unicef.org/protection/57929_58014.html .

[12] http://www.unicef.org/protection/Child_Friendly_Spaces_Guidelines_for_Field_Testing.pdf .

[13] http://www.unicef.org/protection/A_Practical_Guide_to_Developing_Child_Friendly_Spaces_-_UNICEF_(1).pdf .

[14] http://www.ilo.org/ipec/areas/Armedconflict/lang--en/index.htm .

[15] http://www.unicef.org/protection/57929_58007.html .

[16] http://www.unicef.org/eu/crtoolkit/ .

children. The Special Court for Sierra Leone has convicted several individuals, and its Appeals Chamber upheld the former Liberian president's conviction in September 2013.

As part of more structural preventative measures that can be taken, transfer of arms to conflict-prone areas needs to be regulated and prevented. The adoption on 2 April 2013 by the UN General Assembly of the Arms Trade Treaty (ATT) is an important step forward. The treaty was opened for signature in June 2013 and it will enter into force once fifty states have ratified it. The ATT is the first treaty to attempt to regulate the global transfer of conventional arms (and ammunitions).

Non-governmental organisations like Geneva Call[17] and the Child Soldiers Initiative engage with non-state armed groups in order to ensure protection of children from the effects of armed conflict. Non-governmental organisations have a complementary role in at least two ways. First of all, states and intergovernmental organisations are often reluctant to engage with armed groups, as it is feared that that may give some legitimacy to these armed groups. Secondly, these non-governmental organisations do not take a name and shame approach, but seek to change armed groups' approaches through dialogue.

3.2 Lessons learnt: the scientific evidence-base

This section presents the lessons learnt in academia and practice. Two major interdisciplinary conferences on reintegration of children and youth affected by armed conflict (Brussels, 2009 and Kampala, 2013) have been catalytic in establishing what we know and do not know yet on children affected by armed conflict. The findings of the first conference have been compiled in an edited volume (Derluyn et al. 2012). Both conferences issued a final statement with recommendations: The Brussels Policy Recommendations[18] and the Kampala Recommendations on the Recovery and Reintegration of Children and Youth Affected by Armed Conflict[19].

The first sub-sections deal primarily with what we know about policies, the subsequent sub-sections reflect the academic state of the art on the more operational aspects. Together, they provide a comprehensive framework to assess EU policies and actions.

3.2.1 Children associated with armed forces and armed groups: victims and perpetrators

CAAFAGs are often depicted exclusively as victims and as young children. This raises important questions on the way CAACs tend to be seen, and how responses are framed. Adolescence is often invisible. As far as the specific category of CAAFAGs is concerned, responses struggle with the victim-perpetrator duality. Some have argued that they can be held responsible, though not criminally (Arts, 2006; Happold, 2006), others have pointed out their 'tactical agency', i.e. "one that is devised to cope with and maximise the concrete, immediate circumstances of the military environment in which they have to operate" (Honwana 2005). In other words, they are seldom passively undergoing events. Even in the midst of conflict, they exercise a degree of agency through which they cope with the circumstances. Former child soldiers do struggle to come to terms with their guilt and feelings of loss of identity (Weyns 2012), and former child soldiers in Uganda have identified stigmatisation and segregation as the biggest issues that they face upon return.

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[17] http://www.genevacall.org/what-we-do/child-protection/
[18] http://www.ua.ac.be/main.aspx?c=.RRWAC .
[19] http://www.kampala2013.ugent.be/Theme.php .

There is therefore a need to develop and use a more balanced image of CAAFAGs that acknowledges their tactical agency, leaves space for responsibility and does not infantilise them. On the other hand, they should not be held criminally responsible (nor prosecuted), and stigmatisation should be prevented. Proposals from the transitional justice field to e.g. set up community service programmes that involve preventative work or the identification of the location of mass graves etc. shed a light on how responsibility can be acknowledged without necessarily resorting to criminal law procedures.

3.2.2 Prosecution of recruiters

Although anecdotal evidence seems to suggest that there may sometimes be some deterrent effect in the (international) prosecution of child recruiters or perpetrators of war crimes more generally, there is no conclusive evidence on this. The deterrent effect should therefore not be assumed automatically. In addition, international prosecution is currently a politically sensitive issue in Africa.

Difficult trade-offs may have to be made also between prosecution or reconciliation, peace and stability (Paul 2009), and between the importance of transnational witnessing for victims (Saul) and the potentially harmful effects of forcing a unified story or understanding upon victims (De Haene).

3.2.3 Shame and sanction versus dialogue and engagement with armed non-state actors

It has been argued that the more punitive, shame and sanction approaches, as reflected e.g. in the UN Monitoring and Reporting Mechanism need to be complemented with initiatives that engage more positively with armed groups, i.e. armed non-state actors (ANSAs) (Somer 2012; Plowright). The experiences of Geneva Call and the Child Soldiers Initiative show that armed groups consider themselves to be child protection actors (Somer 2012), and that many of them are willing to commit to refraining from associating children with them. Of key importance is to have multiple entry points with armed groups, and to take armed groups' own perception as child protectors seriously (Somer 2012).

3.2.4 Prevention

There may be a basis for assuming that strengthening child protection systems may contribute to preventing children to associate with armed forces and groups, as many children seem to 'voluntarily' joint these forces and groups to enjoy some protection. Little is known about the preventative role of DDR, i.e. whether it helps to prevent (re-)recruitment in particular.

With regard to the prevention of *state* use of child soldiers in particular, lessons learnt include that it is important to have a clear legal framework, to properly disseminate instructions, to have good procedures of age verification, and to avoid imposing high recruitment quota on soldier recruiters, as that encourages child recruitment (Child Soldiers International 2012).

3.2.5 Emergency intervention/humanitarian responses

Emergency interventions/humanitarian responses in support of CAACs may benefit from a rapid psycho-social assessment of the impact of the armed conflict on children. Such a rapid psycho-social assessment has been road-tested in the Occupied Palestinian Territories[20].

With regard to CAFAGs, it is clear that an appropriate response cannot stop short of engaging in disarmament and demobilisation; a more comprehensive response is needed.

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[20] http://www.unicef.org/oPt/UNICEF_oPt_PSS_Rapid_Assessment_2012.pdf .

3.2.6   Programmatic responses/reintegration programmes

The complex nature of current armed conflicts and their direct and indirect consequences necessitate long-term interventions during and after conflict. Gaps between humanitarian crisis intervention (during and shortly after the conflict) and long term development cooperation need to be bridged. Moreover, humanitarian interventions often lead to high dependency of the involved populations, and, often, little supporting initiatives remain available in the post-conflict setting, leaving many remaining socio-economic and psycho-social needs unmet. Generally, funders focus too much on short term approaches, and they leave too quickly (funder exit).

3.2.7   Rehabilitation programmes

Too little attention is paid to the impact of collective violence on people's mental health and psycho-social well-being, in particular of children and adolescents. Most interventions address basic, physical, social and economic needs (e.g. food distribution, income generating activities…), and too little attention is given to the emotional consequences of the conflict (Derluyn 2013). In addition, psycho-social problems are determined as much by conflict as by post-conflict risk factors for toxic stress (Rasmussen).

There is an increasingly solid evidence base on psycho-social interventions: there is a full psycho-social model that includes both war and non-war related stressors; measurement tools of well-being are gradually more culturally grounded and have been included in universal toolkits (see WHO[21] and UNHCR[22]); and interventions have moved from individual to social perspectives (Rasmussen).

At first sight, paradigmatic discussions (psychiatric versus psycho-social model) have more or less come to an end, and there is wide agreement on the need to locate interventions within the social and cultural context in which they take place (social-ecology model) (Mels et al. 2012). At the same time, many psycho-social programmes still apply singular approaches; pay inadequate attention to gender issues; assume that one size fits all; take simplistic approaches to livelihoods; impose Western/American models and approaches; take non-holistic approaches to psycho-social support and mental health; have an excessive individual focus; and emphasise deficit and past violence. These psycho-social programmes fail to address the key determinants of mental health. The most severe impacts on mental health come from lack of education, from poverty and so on, and are therefore ongoing. Also, as families and communities often mediate individual effects, an individual focus is unwarranted (Wessels 2012).

Cultural resources and community-based child protection mechanisms need to be valued, though not romanticised. Layers of needs and corresponding responses need to be distinguished (intervention pyramid), for only a small group is in need of specialised mental health care. Mental health care requires a developmental and ecological approach, so that a long-term safety net is provided and mental health programmes are integrated in education/employment schemes. The post-conflict clinical repertoire should be expanded beyond trauma, to include inter alia common emotional distress and common mental disorders. Moreover, post-conflict mental health care needs to be incorporated in the existing health sector. This requires a multi-agency collaborative effort, and a shift from a treatment modality to a development modality. Rather than to develop their own treatment programmes, donors should invest in capacity transfer and local support for developing existing health care systems as part of their exit strategy (Rasmussen).

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[21] http://www.who.int/mental_health/emergencies/en/ .
[22] http://apps.who.int/iris/bitstream/10665/76796/1/9789241548533_eng.pdf .

More generally, a community resilience approach in which support to communities encompasses not only the reduction of risk factors, but also the reinforcement of protective factors works best (Wessells 2009).

3.2.8   Development programmes

Long-term development programming for CAACs needs to focus on inter alia child protection systems, education and employment schemes.

Child protection mechanisms have been issue-based for a long time; for each issue or group that required child protection (e.g. domestic violence; orphans), separate mechanisms were set up. Current thinking focuses on strengthening child protection *systems*, which may encourage a more holistic approach and greater inclusion. A major challenge remains state fragility, which often impedes a comprehensive protection system.

With regard to education, formal education is often found too difficult for children who have enjoyed much freedom while associated with an armed force or group. The ability of education systems to cope with these children needs to be improved, so that retention rates increase and drop-outs are better prevented.

Family reintegration cannot be accomplished through physical reunification alone. There is a need for economic support programmes, but the evidence base on these programmes is rather weak. A study was undertaken by Child Protection in Crisis, which researched humanitarian- and development-context economic strengthening interventions across various categories of separated children (including CAFAGs), across contexts and across agencies. It shows a lack of agency capacity (often, there is no real strategy, and the economic strengthening programme is an add-on component); the overuse of the entrepreneurship model; too short program cycles; and targeting with the risk of negative treatment. This means that as a first step, economic strengthening capacity of the child protection field needs to be built. Economic strengthening needs to be integrated from the beginning in rehabilitation programmes, and draw on local market analysis; joint field missions and multidisciplinary teams. One of the economic strengthening programmes for which strong evidence exists that it has positive outcomes at level of households, is conditional cash transfers. However, conditional cash transfers tend to be sensitive, as they are often perceived of as rewarding perpetrators. This may necessitate blanket coverage of the whole community (CPC Network 2013).

4   THE EU, CHILDREN AND ARMED CONFLICT

With the adoption of the EU Strategic Framework and Action Plan on Human Rights and Democracy in June 2012 (Council of the European Union 2012), the European Union has embraced explicitly a human rights-based approach to development (cooperation) as part of its intention to mainstream human rights throughout EU policies, be they internal or external. The Action Plan attached to the Strategic Framework clarifies in Action no. 10 that the rights-based approach to development cooperation is about "integrating human rights principles into EU operational activities for development [....] for the synchronisation of human rights and development cooperation activities", both at the headquarters in Brussels and in the field, i.e. at the EU Delegations in third countries. Action no. 19 unpacks the envisaged outcome of promotion and protection of children's rights into four specific actions for the 2013-2014 period, which will address violence against children; armed conflict and child labour. Action envisaged with regard to children and armed conflict is the implementation of the Revised Implementation Strategy of the Guidelines on children and armed conflict.

The 2012 Strategic Framework and Plan of Action consolidates rather than initiates the EU attention for children (and to some extent also their rights) in its external action. Over the years, the EU has moved in its external policies beyond the initial focus on children and armed conflict, but the latter topic has remained firmly on the agenda. In what follows, the main policy documents, diplomatic actions and instruments are assessed.

4.1 Policy frameworks and documents

4.1.1 The Council

The Council of the European Union adopted EU guidelines on children and armed conflict in December 2003. The guidelines focus on regular monitoring, reporting and assessments as the basis for identification of situations in which EU action is required, and on EU tools for action in relation to third countries – such as political dialogue, *démarches*, multilateral cooperation, crisis management operations and training. The 2007 update did not substantially revise the guidelines, but added some additional EU action, in particular the imposition of targeted measures when renewing EU agreements with third countries (Council, 2007a). The Council's Human Rights Working Group (COHOM) is charged with implementation and follow-up. To that effect, an EU Implementation Strategy on Guidelines for Children and Armed Conflict was adopted in 2006, and reviewed in 2010 during the Belgian Presidency. The initial list of priority countries – Afghanistan, Burundi, Colombia, Côte d'Ivoire, Democratic Republic of Congo, Liberia, Myanmar, Nepal, Philippines, Somalia, Sri Lanka, Sudan and Uganda – was extended in 2007 to include six new situations of concern: Israel, the Palestinian Occupied Territories, Haiti, Lebanon, Chad and Iraq. In 2013, it was decided to match the EU list of priority countries with the list established by the UN (i.e. the list in Annex to the Annual Report of the UN Secretary General on Children and Armed Conflict. For the latest report, see UNSG 2013). A Checklist for the Integration of the Protection of Children affected by Armed Conflict in ESDP Operations was equally adopted (PMG 2006), and revised in 2008[23].

Under the 2010 implementation strategy, COHOM is tasked with organising joint COHOM-CODEV discussions to coordinate policy orientation on CAAC, amongst others with a view to ensure that funding of CAAC is adequately included in the financial instruments for the new multi-annual financial framework. Moreover, according to the implementation strategy, COHOM should monitor the situation with regards to CAAC and suggest possible courses of action. CAAC issues are reported only briefly and irregularly covered during the meetings. Apart from a meeting between the UN SRSG on CAAC on 27 June 2013 and the Political and Security Committee (PSC), COHOM reportedly last discussed the issue in January 2013. No discussions have yet been organised to discuss overall policy orientation, coordination or funding through the instruments. The small amount of time spent on the CAAC issue within the COHOM can, according to EU officials and MS civil servants, be attributed to the fact that it has to deal with a large range of different topics and priorities. However, without systematic monitoring, no adequate response is possible. Monitoring requires input from the EU Delegations at country level. This monitoring should then be translated into policy changes where needed, as well as into improved coordination and performance of the available instruments.

There is an informal COHOM Task Force on children's rights/CAAC, which brings together interested Member States, the Commission and the EEAS, which meets on an ad hoc basis. However, the number of meetings of this Task Force is reportedly limited. Moreover, as with other Task Forces, they

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[23] The Politico-Military Group (PMG) is a negotiating body within the framework of the *European* Security and Defence Policy (ESDP).

reportedly often consist of a lunch meeting during a capital-based COHOM, where the people present are not necessarily those with expertise on the issue.

4.1.2   The European Commission

The European Commission for its part took the initiative to incorporate children's rights into all EU internal and external policies in April 2005. A first communication to that end, Towards an EU Strategy on the Rights of the Child, was adopted in July 2006 (European Commission 2006a). The Communication identified seven objectives for the EU strategy on the rights of the child, among which to promote children's rights in external relations, with particular attention to the rights of: a girl child; children belonging to minorities, children and armed conflict, and violence against children (European Commission 2006a: 7-10). The accompanying Commission staff working document identified political dialogue, trade, and development and humanitarian assistance as instruments, and the recruitment and use of children in armed conflict, child labour and trafficking as thematic priorities (European Commission 2006b: 3). In February 2008, the Commission adopted a Communication dedicated to external policies, entitled A Special Place for Children in EU External Action. Two staff working papers were attached, one action plan on children's rights in external action and one on children in situations of emergency and crisis (European Commission 2008). This Communication purported to establish a framework for a comprehensive EU approach to children's rights in third countries, and was adopted in preparation for a long-term action plan on children in external action. External action was confined to development strategies. Emphasis was mainly put on complementarity between policy tools and financial instruments.

The EU Agenda for the Rights of the Child, adopted in 2011, is mainly geared towards internal action. It contains one section on children in the EU's external action, and includes the topic of children in armed conflict. The document reiterates the use of political dialogue, bilateral and multilateral cooperation (including development programmes) and humanitarian aid (European Commission 2011).

Children's rights have also been given some attention in development and humanitarian aid policy documents. In the 2005 European Consensus on Development, the first ever joint framework of common principles on development cooperation within the EU, a particular commitment was made to strengthen mechanisms in order to enable children's rights to be mainstreamed (Council et al. 2005: para. 101). Among the priority policy areas identified in the Consensus on Development and in the guidelines for implementing this policy were children in armed conflicts.

The needs of children – and more specifically CAACs – as a particularly vulnerable group have repeatedly been recognised as a focus area of EU humanitarian action, such as in the 2008 European Consensus on Humanitarian Aid. This Consensus was accompanied by a Commission Staff Working Document entitled Children in Emergency and Crisis Situations, aimed at defining a framework for humanitarian action around three issues which particularly affect children in crisis situations: separated and non-accompanied children, child soldiers and education in emergencies[24]. The document provides an overview of the different problems facing children affected by armed conflict and includes a comprehensive framework on interventions benefitting child soldiers, dealing with prevention, demobilisation, reintegration, psycho-social support and socio-economic reintegration.

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[24] European Commission (2008), Staff Working Document: Children in Emergency and Crisis Situations, 5 February, SEC(2008)35.

Within the Directorate General Development and Cooperation – EuropeAid (DEVCO), children's rights can be found in the Human and Society Development Directorate, where there is a unit dealing with governance, democracy, gender and human rights.

4.1.3 The High Representative and the European External Action Service

The High Representative of the European Union for Foreign Affairs and Security Policy (hereafter High Representative or HREUFASP), Ms Catherine Ashton, is to ensure the consistency and coordination of the EU's external action. The European External Action Service (EEAS) for its part has to increase coherency and impact of the EU's external action. An EU Special Representative for Human Rights, Stavros Lambrinidis, took office in September 2012, with a mandate to enhance the effectiveness and visibility of EU human rights policy.

In a joint communication of the Commission and the High Representative on human rights and democracy in EU external action that focuses on mainstreaming human rights and democracy in external action, children's rights were singled out as one of three cross-cutting themes for a targeted EU campaign. Moreover, the Communication explicitly mentions a human rights-based approach (European Commission/HREUFASP 2011).

At headquarters level, the EEAS Directorate on Human Rights and Democracy has some expertise on children's rights and CAAC with staff responsible for policy development and following up on the guidelines of these respective topics. At country level, human rights focal points in all EU Delegations are envisaged. Delegations have been asked to draw up human rights country strategies that establish country-specific priorities and objectives. Half of them have been reported to include children's rights[25]. Funding opportunities in the field of children's rights, in particular for civil society, are inter alia the European Instrument for Democracy and Human Rights (EIDHR) and the Investing in People programme[26].

4.1.4 Assessment

EU policies on CAAC can be assessed against three main criteria: acknowledgement of complexity; comprehensiveness and coherence.

The EU 2007 Guidelines on children and armed conflict are generally well in line with the academic knowledge basis (see previous chapter on lessons learnt): they focus on *all* children affected by armed conflict, not just child soldiers; and they cover the full range of action to be taken, including prevention, humanitarian action and long-term development cooperation (i.e. linking relief, rehabilitation and development). Whereas no fundamentally new policy options are required, the 2007 Guidelines could certainly be strengthened by paying more attention to long-term processes of recovery and reintegration that are rooted in communities and fully acknowledge cultural resources. Other policy documents, which were mainly produced by the Commission, tend to focus more on the narrow category of child soldiers, at the expense of all children affected by armed conflict. A community-based approach to recovery and reintegration receives little attention.

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[25] EU Expert Workshop Review of the EU Guidelines on Promotion and Protection of the Rights of the Child and Its Implementation, 16 February 2012, Brussels.

[26] In the latter, 8.5% of the budget is allocated for "Protection and participation of children and youth". "The programme focuses on the global monitoring and policy advocacy for child protection and the rights of children, strengthening children participation, support for pilot country programmes for reintegrating affected children and, finally, promotion of policies to support productive employment and decent work for youth", http://ec.europa.eu/europeaid/what/children-youth/index_en.htm, (09 April 2013).

However, it is mainly at the level of implementation that major improvements are needed. These implementation deficiencies have been identified earlier in studies and on the occasion of policy revisions. The major challenge is to really address them.

The case study on the DRC in chapter V shows that the EU Delegation in that country does not rely so much on the EU Guidelines, but rather on the UN guidelines and tools. If that is more generally the case at the country level, there is a need for further alignment of EU with UN policies where possible (see e.g. the recent alignment of the EU priority list of countries with the UN list), as well as for continuing training on the EU specific guidelines and policies. The relative lack of awareness and actual use of the policy documents was also pinpointed in the 2008 revision of the Checklist for the Integration of the Protection of Children affected by Armed Conflict in ESDP Operations. Policies on children and armed conflict get insufficient traction in practice, both at headquarters and in the field.

Another implementation challenge is the lack of coherence and coordination, internally and externally. Internally, there is insufficient coordination among and inside the EEAS and directorate generals of the European Commission. Externally, coordination with Member States, the United Nations and regional organisations is not always optimal. The lack of coherence and coordination is also reflected at the level of funding instruments, which will be presented after examining diplomatic action and Common Security and Defence Policy missions.

4.2   Diplomatic action

In the 2010 Revised Implementation Strategy, COHOM called upon the Member States, the Commission and the EEAS to hold political dialogues with third countries on the ratification of international instruments related to CAAC. The EU launched a thematic lobbying campaign in 2011 to promote the ratification of the ILO Convention 182, the two Optional Protocols to the CRC and the adoption of the Paris Principles. In April 2012, for instance, Malaysia ratified the Optional Protocols after having received a demarche by the EU Delegation in this regard[27]. Following up on the campaign, the EU co-organised a seminar on CAAC together with the African Union (AU), UNICEF and the World Bank. The three-day seminar took place in September 2013 in Addis Ababa, Ethiopia, and provided participating AU Member States the opportunity to evaluate their national strategies on CAAC.

In order for the EU demarches concerning international instruments related to CAAC to be credible, it is important that the EU Member States as a whole have ratified these instruments. In this respect, Estonia is the only Member State that has not yet ratified the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (OPAC), although it has signed the Protocol in September 2003. In addition, the United Kingdom allows 16 year olds into the army (see its Declaration to OPAC), and has reportedly sent recruits under 18 to Iraq to participate in hostilities. While allowed under OPAC, it is considered hypocritical by armed groups that are pressured to apply a 'straight-18' approach (Somers 2012).

The EU also follows up on the annual reports of the SRSG by engaging with countries listed in the Annex to these reports. Several country-related concerns have been raised by the EU during regular human rights dialogues, such as with Colombia. The issue was also tackled during bilateral meetings, for instance with Myanmar, and through EU Delegations[28]. The actions taken in this regard are

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[27] Council of the European Union, EU Annual Report on Human Rights and Democracy in the World in 2012 (Country Reports), 203.
[28] Communication with EU official, 6 November 2013, Brussels.

organised on an ad hoc basis and no framework has as yet emerged concerning a more structured approach towards persistent perpetrators or supporting the Strategic Framework of the SRSG/CAAC, for instance on ending the recruitment of children by state security forces.

At the multilateral level, the EU and the Member States play an active role at the UN on CAAC issues. According to an interviewed diplomat, coordination on the issue is ensured through a well-established system of burden sharing arrangements, following which a representation of one EU Member State negotiates on behalf of the EU. In New York, the EU and the majority of its Member States are members of the Group of Friends on CAAC, an informal network furthering action on CAAC[29] . In the General Assembly, the EU Member States negotiated a resolution that extended the mandate of the SRSG on CAAC in association with the Group of Latin American countries[30]. The EU was reportedly also actively involved in lobbying against the so-called 'Thai initiative'. In November 2011, Thailand introduced a resolution in the Third Committee on the Strengthening of the Coordination of the United Nations System on Child Protection, which was widely regarded as having the potential to undermine the independence of the UN Special Mandate Holders, including the SRSG/CAAC, on the issue[31].

Within the Security Council, the EU made interventions as an observer to the annual debate of the UNSC on CAAC, calling for instance for greater use of the toolbox of the UN SC Working Group on CAAC[32]. This Working Group has consecutively been chaired by Germany and Luxemburg. According to EU officials, the EU Member States which are members of the Security Council were also proactive in the negotiation and adoption of the UN SC resolutions on CAAC, such as the landmark Resolution 1612.

The Revised Implementation Strategy calls for regular public statements of the EU on the issue of CAAC, which has become a well implemented practice. On 12 February 2013, for instance, the High Representative issued a joint statement with the SRSG/CAAC on the occasion of the International Day against the Use of Child Soldiers[33]. Another statement in this regard was issued by the High Representative on Universal Children's Day, highlighting the plight of children affected by armed conflict[34]. However, a clear communication strategy goes beyond issuing press statements. According to civil society actors contacted in the framework of this study, the lack of a clear overview of EU diplomatic action on the topic, limits its visibility and role. Although diplomatic actions such as demarches are as a rule confidential, the general strategy and main initiatives of the EU, such as lobbying campaigns, could be clearly communicated in a comprehensive document. This would not only increase the visibility of the EU action, but also enable civil society organisations and other actors to develop complementary initiatives.

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[29] In total 38 countries make up this network, representing all five regional groups of the UN. The participating EU Member States are: Austria, Belgium, Croatia, the Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Italy, the Netherlands, Portugal and Sweden.

[30] EEAS, Human Rights and Democracy in the World: report on EU action in 2011, 2012, 41; Interview with EEAS Official, Brussels.

[31] See Watchlist, Letter on Thai Draft Resolution to all the country missions at the UN, 13 October 2011.

[32] See for instance UN SC, PV of the 6980th meeting, 17 June 2013, S/PV.6980.

[33] http://childrenandarmedconflict.un.org/press-release/international-day-against-the-use-of-child-soldiers/

[34] European Union, Statement by EU High Representative Catherine Ashton on the Occasion of Universal Children's Day, 12 November 2012, A528/12.

4.3   Common Security and Defence Policy Missions

Since it launched its first crisis management mission in 2003, the European Union has deployed 33 military and civilian crisis missions and operations, sixteen of which are still on-going. Currently the EU has Common Security and Defence Policy (CSDP) missions in e.g. Mali, South Sudan, Iraq, Afghanistan, Somalia and the DRC. In all these countries, children are used by parties to the armed conflict. Two other missions are active in countries where children are affected by armed conflict or violence is an area of concern, i.e. Libya and the Palestinian Territories[35]. However, these missions have not been devised to offer a specific response to this issue. Some have mandates that are completely unrelated to CAAC, such as the EU Aviation Security mission in South Sudan. The relevance of the other missions to CAAC lies either in providing training to national armies, like in Mali or Somalia, or in providing assistance in security sector reform programmes, such as EUSEC in the DRC.

In May 2006, the Council developed a checklist to systematically address children's rights and protection concerns in the planning and implementation phases of ESDP (now CSDP) missions and operations[36]. The checklist was updated in 2008 and entails a broad approach towards child protection concerns: it deals not only with demobilisation and reintegration of children, but also with strengthening frameworks on juvenile justice[37]. Together with the 2010 revised implementation strategy for the EU CAAC Guidelines, it calls for both mainstreaming of a CAAC sensitive approach throughout all activities and for the inclusion of staff with expertise in human rights, including on CAAC. All missions touching upon human rights related issues are said to nowadays have human rights focal points. However, given the broad scope of human rights related topics they have to deal with and the need to have a specific profile tailored to the nature and context of the mission, not all of these focal points have expertise in CAAC issues.

The Checklist also calls on Member States to ensure adequate pre-deployment training of military and civilian personnel. The EU has therefore developed minimum training standards. Although the implementation varies from Member State to Member State, CAAC issues are currently covered during the induction training of newly arrived staff in missions where this is relevant for the mission's mandate. The Crisis Management and Planning Directorate (CMPD) is also developing a standardised pre-deployment module on CAAC.

Missions providing training or SSR assistance to national armed forces in for instance Mali or the DRC currently all provide specific modules dealing with human rights and children affected by armed conflict throughout their training. According to the Checklist, in particular these missions should give attention to the protection of children in SSR concepts and programmes and actively engage with child protection networks, international organisations and NGOs. By way of example, the EUSEC activities touching upon CAAC issues in the DRC will be covered more extensively in chapter V.

With the presence of several CSDP missions in priority list countries and the strong focus of EU assistance on national security forces through training or SSR support, EU officials have voiced the need for a policy on cooperating with these forces, especially if they figure on the Annex to the UN

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[35] Report of te Secretary General to the Security Council (A/67/845-S/2013/245) issued on 15 May 2013.

[36] Council of the European Union, Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations, 23 May 2006, Brussels, 9767/06.

[37] Council of the European Union, Draft General Review of the Implementation of the Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations, Brussels, 23 May 2008, Annex I.

Secretary General's annual report on CAAC, as is the case in for instance the DRC and Afghanistan.[38] Contrary to the United States, which has enacted the 2008 Child Soldiers Protection Act, the EU has no predefined policy in this regard. According to the Act, the United States are not entitled to provide assistance or deliver weapons to national security forces that use child soldiers. However, exceptions can – amongst others – be made for trainings specifically geared towards the professionalisation of the army. The United Nations instituted a human rights-due diligence policy in July 2011 to regulate the provision of UN support to security forces. The UN Secretary General called upon the European Union to give due consideration to the parties listed in the Annex of his yearly report when providing support for SSR in third countries[39]. EU support could for instance be made conditional on the adoption and implementation of an action plan on underage recruitment signed with the UN. Adopting a policy would not only provide guidance for operations and increase transparency, but could also act as a leverage towards governments and security forces interested in receiving EU support for security sector reform.

4.4 Financial Instruments

The architecture of financial instruments is fairly complex. There are thematic and geographic instruments, and both are managed by different Commission directorates. The thematic financial instruments include the Investing in People programme as part of the Instrument for Development Cooperation (DCI), and the European Instrument for Democracy and Human Rights - both managed by DG DEVCO, the geographic desks of which also manage the European Development Fund (EDF) and the geographic component of the DCI. The humanitarian aid is managed by the DG ECHO. The Instrument for Stability is a strategic instrument devised to tackle security and development challenges in a flexible way. Because of its direct relevance for European external action, it is mainly managed by the Foreign Policy Instrument Service, a Commission service under the direct authority of Catherine Ashton in her capacity as Vice-President of the Commission[40].

Before an examination of the aid available or spent on CAACS, the criteria that are used for assessing the impact of that aid will be clarified.

4.4.1 Assessment criteria

The impact of EU aid on CAAC largely depends on three criteria: geographic comprehensiveness, substantive comprehensiveness and coherence. As to geographic comprehensiveness, the EU Guidelines put forwards the protection of children's rights worldwide as a main rationale of EU action on CAAC[41]. Following this approach, the distribution of EU resources on CAAC issues should mainly be needs-based, although political considerations, such as the importance of the European Neighbourhood Countries, may still come into play to some extent. As the issue is inherently global, children in all priority countries should be able to benefit from EU action.

Secondly, the effectiveness of the actions is directly related to their substantive comprehensiveness. As mentioned in chapter II, the overall action on CAAC in a particular conflict should avoid the pitfalls of offering support that is one-sidedly focused on the short-term, on one affected group of children,

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[38] Interview with EU Official, 20 September 2013, Brussels.

[39] Report of the Secretary General on Children and Armed Conflcit, 2012, A/67/845, 6.

[40] Some components of these instruments, such as the mitigation of risks posed by chemical, biological, radiological or nuclear risks are managed by other Commission Directorates.

[41] EU Guidelines, 2. See also Art. 21 of the Treaty on European Union, according to which the EU's external action is guided by the principles of human rights and inter alia geared towards preventing conflict and assisting conflict-affected populations.

such as child soldiers, or disregards the broader developmental and psycho-social contexts. In this regard, the EU therefore undertakes to address the short, medium and long term impact of armed conflict on children in an effective and comprehensive manner[42].

Instrumental to substantive comprehensiveness is the criterion of coherence. Coherence has to be achieved internally, externally and through time. Internally, by ensuring coordination between the EU diplomatic actions, the use of its different thematic and geographic instruments, humanitarian aid and Common Security and Defence Policy missions and actions of the Member States. Coherence has to be sought externally as well, linking with initiatives taken by the UN or by governments of priority countries. Continuity of actions and funding through all stages of the crisis response cycle is essential for a coherent approach that links short term relief with long term development.

4.4.2   General analysis of CAAC funding

In the 2010 Revised Implementation Strategy, the EEAS was tasked with mapping CAAC projects funded by EU instruments or by the Member States. The EEAS completed this mapping exercise in 2012[43]. Although this list is non-exhaustive, it does provide a fairly comprehensive overview of the funding activities of the EU between 2008 and 2012. Therefore, the list can be used for a preliminary analysis of the general funding dynamics within the EU on CAAC.

According to the mapping document, approximately 300 million EUR was spent on projects dealing with CAAC during the 2008-2012 period. Not all of these projects were dealing specifically with the topic however. Also broader programmes aimed at for instance economic development in a conflict-affected region or Security Sector Reform (SSR) with a component tackling CAAC issues are figuring on the list. In the document, the full project cost is mentioned, not the pro-rata amount spent on CAACs. This has a large impact on the overall amount, for instance through a 70 million EUR project funded by Germany on socio-economic development in the DRC or a 12 million EUR EU-funded project to support the Millennium Development Goals in the Philippines. EU (not Member State) funding accounted for about 95 million EUR (about 1/3 of the total), for 126 projects. Most of these projects are fairly specifically oriented towards CAAC issues.

Although all of the countries that figured on the EU list of priority countries at the time of the mapping exercise benefited from projects funded by the EU institutions, there is a large degree of imbalance between them. Three countries received 2/3 of the total amount: Colombia (27.5 million EUR), the Occupied Palestinian Territories (22.2 million EUR) and Uganda (10.4 million EUR). The remaining 18 priority countries taken together received 19.2 million EUR,[44] although they do not count necessarily less of CAACs. Only three of the listed EU projects were for instance implemented in the DRC, for a total amount of merely 2.1 million EUR. This imbalance can be explained by a number of reasons. First, there is an inconsistent use of more structural funding by geographic instruments. Six out of the 14 programmes of over 1 million EUR are for instance implemented in Colombia and none in the DRC. Secondly, earmarked funding for southern European Neighbourhood Policy (ENP) countries through the Investing in People (IIP) thematic programme contributes to the large amounts

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[42] Ibidem.

[43] EU, Non-exhaustive summary of projects in support of children affected by armed conflict funded by the EU and its Member States 2008-2012, http://eeas.europa.eu/images/top_stories/120213_md-001-13-caac_2012_summary_rev_feb2013.pdf.

[44] The amount stated for the Philippines is 12,7 million EUR. However, this is largely the result of 12 million EUR funding for a programme aimed at improving health care for vulnerable groups, including children, in the framework of the MDGs.

of funds devoted to projects in the OPT and Lebanon[45]. Thirdly, there is a large disparity between countries concerning civil society organisations' familiarity with EU funding opportunities and procedures, leading to a marked difference in applications to calls under the EIDHR or IIP by country. These reasons do not justify the uneven distribution of funding though. Ideally, funding is earmarked according to need.

On the aggregate level, EU projects listed in the document deal with a wide range of CAAC response strategies, including a community-based approach - in line with the recommendations made by the Paris Principles and the EU CAAC Guidelines. Most funding goes to projects providing education in conflict affected-areas and to other protection strategies for CAACs. Socio-economic reintegration programmes for children formerly associated with armed forces or groups receive a fairly limited amount of funding. On the country level however, EU funded projects rarely cover all pillars of a complementary response strategy consisting of: protection of conflict-affect children, prevention of child recruitment and DDR of CAAFAGs. Very limited funding goes to ending impunity for those responsible for grave violations against children in armed conflict under the 1612 UNSC Resolution. Moreover, funding through country programmes is only used in a limited way to provide more structural support. Rarely, this is balanced by complementary MS funded projects. Moreover, contrary to the EU Guidelines which stress the importance of continuity between actions, the EU funding for CAAC projects is not stable over time: it has considerable peaks and lows[46]. This volatility in funding is linked to the often short-term and targeted nature of ECHO aid and thematic instruments.

According to the 2012 mapping document, funding from Member States is almost exclusively coming from Germany, the United Kingdom, Belgium, France, Luxemburg and Slovenia. The best geographical balance is attained by Germany and Belgium, which fund projects in the majority of priority countries. Funding from MSs is also more structural in nature, with 32 projects above 1 million EUR and 11 projects around or above 5 million EUR, thereby offering a link between short-term crisis response projects and longer-term development initiatives in conflict settings.

Overall, a reasonable balance seems to exist between, firstly, funding for prevention, child protection, emergency education, demobilisation and reintegration and, secondly, between projects dealing with more short-term intervention and those aimed at longer-term development. However, this is rarely replicated at the country-level, where there is often a significant imbalance in terms of funding, types of projects supported and the complementarity of EU-MS involvement.

The mapping document does not distinguish between the different EU instruments used and therefore does not allow for an evaluation of the use of these instruments for CAAC issues. Hereafter the specific role these instruments play in EU action on CAAC will be look at.

4.4.3   Humanitarian Aid

With a humanitarian aid budget of 1.344 billion EUR in 2012, the EU is an important actor in the field of humanitarian aid[47]. The needs of children – and more specifically CAACs – as a particularly vulnerable group have repeatedly been recognised as a focus area of EU humanitarian action, such as in the 2008 European Consensus on Humanitarian Aid. This Consensus was accompanied by a Commission Staff Working Document entitled Children in Emergency and Crisis Situations.

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[45] The ten EU funded projects in Lebanon received 4,6 million EUR, six out of which through the 2007 IIP call, see hereafter.
[46] Interview with EU Official, 12 September 2013, Brussels; EU Guidelines, 2.
[47] DG ECHO Budget 199"-2012, http://ec.europa.eu/echo/files/funding/figures/budget_implementation/AnnexI.pdf.

According to DG ECHO, half of its funding is currently dedicated to humanitarian relief in conflict areas and 12% to children[48]. Several projects have been funded to assist the reintegration of CAAFAGs in for instance Ivory Coast, Colombia and the DRC. The latter will be discussed in more detail in chapter V. Thematic funding of DG ECHO has equally been used for policy development purposes, for instance for contributing to the development of the 2007 Paris Principles and Guidelines on Children Associated with Armed Forces or Groups (see chapter II).

In spite of its importance for the protection and development of children, emergency education is often overlooked by international humanitarian aid donors. This can also be seen in ECHO's funding allocation. Even though emergency education is one of the three focal areas in the aforementioned 2008 Staff Working Document, DG ECHO only provides limited support to these types of initiatives, giving prevalence to more immediate life-saving interventions[49]. This has changed somewhat when the 2012 Nobel Peace Prize was awarded to the European Union. The EU symbolically stressed the importance and priority it attaches to the children and armed conflict issue by using the prize money to fund humanitarian projects providing education to children caught up in conflict. The European Commission added 1 million EUR to the award money in 2012, leading to a total budget of 2 million EUR for the initiative. In a bid to consolidate the Children of Peace initiative, the European Commission decided in 2013 to provide additional 4 million EUR for it[50].

Building upon the opportunity provided for by the additional funding to take humanitarian action beyond the traditional focal areas, the Children of Peace initiative also seeks to strengthen coherence between humanitarian and development assistance by linking relief, rehabilitation and development (LRRD). By developing a structural approach to emergency education, the Children of Peace initiative wants to advocate for more integrated support from and increased coordination between humanitarian and development actors.

In sum, the programming of ECHO demonstrates the EU's clear effort as a humanitarian actor to engage with CAACs. Given the needs-based nature by which areas of humanitarian support are selected in a crisis situation, providing assistance to children in armed conflict competes with other needs. The recognition of the importance of education in emergency situations as a child protection strategy and as a link between short-term projects with a long-term development approach in the EU Children of Peace initiative (matched with funding allocations) are an important step forward. Nevertheless, in order to transform the Children of Peace initiative into a strategic programme that is part of a comprehensive EU approach to CAAC, its funding will have to markedly increase. This could either be achieved through the country programmes or by developing a pooled fund with EU Member States and third countries at the country level.

4.4.4 Thematic programmes

Investing in People

The thematic programme Investing in People[51] is devised to support activities in the fields of education, health, gender and other aspects of social and human development. Under the latter,

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[48] European Commission, DG ECHO, Fact Sheet Children of Peace, May 2013.

[49] European Commission, EU Implementing Decision of 28 November 2012 financing humanitarian actions from the 2012 general budget of the European Union for children affected by conflicts (ECHO/CHD/BUD/2012/01000), 8.

[50] European Commission, EU Implementing Decision of 14 August 2013 financing humanitarian actions from the 2013 general budget of the European Union for children affected by conflicts (ECHO/CHD/BUD/2013/01000).

[51] Regulation 5EC°No 1905/2006 of the European Parliament and the Council of 18 December 2006 Establishing a financing instrument for development cooperation.

actions to combat all forms of child labour, trafficking and violence against children are explicitly mentioned. Under this budget line, the European Commission has issued two calls for proposals that explicitly, albeit not exclusively, deal with children and armed conflict.

The first call dates from 2007 and supported actions aimed at preventing harm to children affected by armed conflict and at fighting against child trafficking and rehabilitating victims[52]. According to the call, an indicative 25% of the funding was to be invested in CAAC[53]. The call foremost targeted children indirectly affected by armed conflict, in order to have a broad impact and a wider range of beneficiaries in conflict-affected communities (as opposed to focussing specifically on children enlisted in armed groups or the army). Proposals had to be consistent with the 2003 EU Guidelines on CAAC, which were explicitly mentioned in the call. Almost 15 million EUR was approved for funding[54].

Although actions in any country affected by armed conflict or in a post-conflict situation were eligible, six out of the 13 approved proposals dealing with CAACs were implemented in Lebanon. Only five out of 18 countries figuring on the EU list of priority countries benefited from funding[55]. One third of the projects funded under the 2007 call were proposals concerning the ENP countries. This imbalance was caused by the fact that a considerable percentage of the budget under the IIP instrument is earmarked for southern European Neighbourhood Partnership (ENP) countries, following a decision of the European Parliament and the Council[56]. Although providing more assistance to the European Neighbourhood area is a legitimate political consideration, the large proportion of earmarked funding under the IIP makes it less suitable for tackling global issues in a geographically balanced way.

The second call was issued in 2012 and dealt with violence against children in a broad way. Although CAAC were explicitly mentioned as a possible area of activity, it also intended to support actions relating to street children, HIV/Aids, child labour, detention of minors etc. At the time of writing, there had not yet been a final approval of selected projects. It could therefore not yet be analysed which part of the total budget of 41 million was assigned to CAAC projects.

Apart from these global calls, the funding available under the "other aspects of social and human development – children and youth" budget line of the IIP, was also used to directly fund the work of the International Labour Organization and UNICEF in areas touching upon CAACs. The ILO received 1.1 million EUR in funds to implement prevention and rehabilitation measures addressing CAAFAGs or involved in worst forms of child labour in conflict or post-conflict situations. The instrument also financed the production by UNICEF of a comprehensive toolkit to address child rights in European development cooperation and external relations[57]. In the toolkit, one chapter deals specifically with children's rights in conflict and post-conflict settings[58]. According to EU and UN officials in the DRC, both projects responded to existing needs and have a tangible impact on the ground[59]. Another

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[52] European Commission, Guidelines – Call for Proposals EuropeAid/126646/C/ACT/Multi.

[53] Ibidem,5.

[54] European Commission, Investing in People, Mid-term review of the Strategy Paper for het Thematic Programme, unpublished, 10.

[55] Although a project in Uganda was funded as well, this was related to child-trafficking and not to the armed conflict with the Lord's Resistance Army in the North-West of the country.

[56] In the 2007-2013 period, a total of 12,495 million EUR under the "other aspects of human and social development" budget line was earmarked for ENP countries. See: European Commission, Investing in People Mid-term review, supra note 54, 11.

[57] DCI- HUM/2007/ 142-116.

[58] UNICEF, Child Rights Toolkit: integrating child rights in development cooperation, module 7, child rights in crisis and risk-prone situations, 2014, http://www.unicef.org/eu/crtoolkit/downloads/CRToolkit_-_Module7.pdf.

[59] For the DRC, see chapter V.

priority area put forward for funding under this budget line in the mid-term review is the promotion of birth registration as a means to prevent the violation of children's rights, including under-age recruitment. This is being funded by means of direct funding to UNICEF[60]. The issue of children and armed conflict is also mainstreamed through the budget line for education under the Investing in People programme. In 2008, UNICEF was allotted 4 million EUR for a project to support education in emergencies and post-crisis situations.

Under the current proposal of the European Commission for the new DCI under the 2014-2020 Multiannual Financial Framework, the proposed thematic programme, entitled Global Public Goods and Challenges, no longer explicitly mentions children's rights or violence against children[61]. These, including CAACs, will thus have to be mainstreamed in the areas of activities covered by this program in order to be eligible for funding[62]. Although some of these areas do touch upon CAAC related issues, such as for instance the fight against child labour or social inclusion, there is considerable concern that the lack of a specific budget line for children's rights or violence against children will hamper EU support for a comprehensive CAAC approach under this instrument. The lack of an explicit budget line will most likely also decrease the amount of funding allotted to this specific topic, given the wide range of activities to be covered by the program.

European Instrument for Democracy and Human Rights

The European Instrument for Democracy and Human Rights (EIDHR) was established in January 2007[63]. One of its objectives is to support actions on human rights covered by EU Guidelines, including those on CAAC and Children's Rights[64]. The EIDHR can provide funds directly to NGOs and local civil society organisations, thereby offering the possibility to bypass governments that cannot or will not address the CAAC agenda through EU geographic instruments.

Under the 2007-2010 and 2011-2013 EIDHR Strategy Papers, respectively 6.8 and 18.7 million EUR were planned for actions dealing with the Guidelines on CAAC, children's rights, and violence and discrimination against girls and women[65]. This led to a restricted call for proposals in 2008 on actions supporting human rights and democracy issues covered by the EU Guidelines on Children and Armed Conflict and by the EU Guidelines for the Promotion and Protection of the Rights of the Child[66]. The types of activities eligible for funding under this call were to a large extent specifically geared towards CAAFAGs. Listed activities included for instance the prevention of child recruitment, early release of recruited children, and demobilisation and reintegration of former child soldiers. Particular attention was also paid to girls affected by armed conflict, as well as lobbying for the ratification and implementation of legal instruments. Throughout 2009-2010, six projects on CAACs were funded for a total amount of 3.346 million EUR. Their activities mainly concerned reintegration, protection of

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[60] "Breaking with Broken Systems through a Partnership for the Legal Identity of African, Asian and Pacific Islands Children", 5.4 million EUR, end expected in 2014.
[61] European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing an new instrument for development cooperation, 7 December 2011, 2011/0406(COD).
[62] See Annex V of the proposal.
[63] Regulation (EC) N°1889/2006, which entered into force on 1 January 2007.
[64] European Commission, European Instrument for Democracy and Human Rights Strategy Paper 2011-2013, 21 April 2010, C(2010) (hereafter EIDHR Strategy Paper 2011-2013), see objective 3.
[65] *Ibidem*,35.
[66] European Commission, European Instrument for Democracy and Human Rights: Actions Supporting Human Rights and Democracy Issues covered by the EU Guidelines on Children and Armed Conflict and for the Promotion and Protection of the Rights of the Child, Restricted calls for proposals 2008, EuropeAid/127873/C/ACT/TPS.

CAACs, monitoring and reporting and girls associated with armed forces or groups. The countries in which the projects were implemented were geographically well balanced[67].

Apart from through these global calls, EIDHR funding for CAACs is equally funnelled through so-called Country-Based Support Schemes (CBSS). Under the CBSS, which seek to strengthen local civil society working on human rights, the EU Delegations can launch calls in a decentralised way[68]. Budgets for Delegations under the CBSS are limited, i.e. between 300-600.000 EUR per Delegation per year. Although the funding available under the CBSS is limited and can be used for a wide range of human rights issues, it has been used to fund CAAC projects, e.g. four projects in Colombia[69]. The Colombian experience teaches that the amounts available are too small for an umbrella organisation like Save the Children or War Child to contract local civil society organisations, and that the procedures are too complex for small, local organisations to engage with them.

Assessment of the thematic programmes

In sum, under the thematic instruments (IIP and EIDHR), there are specific budget lines to tackle violence against children and to support the implementation of the EU Guidelines related to human rights, including the 2008 Guidelines on children and armed conflict. The calls launched under these budget lines show the Commission's conscious effort to address CAAC. However, an integrated and comprehensive approach in the priority countries has not yet been adopted. This is due to at least three factors. First, there is only a relatively small amount of funding under these budget lines, and a considerable share of the IIP programme has been earmarked for ENP. Secondly, the CAAC issue has to compete with other areas of attention. Proper funding for CAAC projects under dedicated budget lines should thus be ensured and care taken to prevent that the further mainstreaming of children's rights planned under the new DCI proposal does not decrease budget support for a comprehensive CAAC approach. Thirdly, as a result of the limited funding available for CAACs and of the competition with other topics under the same budget line, CAAC funding under the thematic instruments is unstable through time. This is partially addressed by the Commission's effort to issue the calls consecutively, and to use instruments in an alternating way. However, in some instances, the pooling of funds could increase their impact on the ground. In such a scenario, an optimal balance between increased budgets and funding stability would need to be found.

Another weakness is that the global nature of the calls does not allow for the development of a country-specific approach. The Commission cannot steer for which countries proposals are submitted, and in practice, a significant difference in the number of proposals submitted for each of the countries can be seen. The complementary budget available under the CBSS scheme of the EIHDR is insufficient to tackle emerging needs or funding gaps in the 23 priority countries. Although an effort is made through the grading system in the evaluation to ensure that projects selected are in the priority countries, this initial imbalance cannot be fully remedied in the selection procedure. Therefore, efforts should be made to increase the amount of high quality proposals dealing with CAAC in underrepresented priority countries by ensuring proper dissemination of the calls and by lowering barriers for organisations not yet familiar with thematic calls.

The directly funded ILO and UNICEF projects under the DCI instrument that address global challenges in dealing with CAACs, such as the efficiency of reintegration programmes and mainstreaming

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[67] Asia: Nepal and the Philippines, Africa: Somalia and the DR Congo, Latin-America: Colombia.
[68] European Commission, EIDHR Strategy Paper 2011-2013, Objective 2.
[69] European Commission, Call for Proposals - Country-Based Support Scheme (CBSS) – Colombia, April 2012 - EuropeAid/132845/L/ACT/CO.

children's rights issues in the EU's external action, seem to correspond to needs felt in the sector and to have a tangible impact (see chapter V). Therefore, making strategic use of this type of funding based on an assessment of existing needs within the sector on a supra-country level could further increase the added value of the DCI thematic programme with regards to CAAC.

4.4.5   Geographic Programmes

As stated by the European Commission, global and thematic financing instruments are limited in scope and as such can play only a supplementary role to the country programmes, which form the "corner stone of EU development cooperation"[70]. The geographic programmes are broadly funded through three instruments, each targeting different countries. First, the European Development Fund (EDF) is the main instrument used to provide development assistance to the African, Caribbean and Pacific (ACP) countries and the Overseas Countries and Territories (OCT). It is an extra-budgetary fund, financed by the Member States according to a specific contribution key. The 10th EDF, which run from 2008-2012, had a budget of more than 22 billion EUR. The European Neighbourhood Policy and Partnership Instrument (ENPI) is not a development fund, but aims to strengthen inter alia institutions, human rights, sustainable development and regional cooperation. It can also be used to provide support to post-crisis missions. The instrument deals with the Eastern European and Mediterranean countries. Thirdly, the geographic component of the Development Cooperation Instrument (DCI) is used to fund development cooperation in 47 countries in Latin America, Asia, the Gulf and also South Africa.

Exploratory research based on the mapping document shows that the EDF has only rarely been used to fund CAAC projects, with possible exceptions in Somalia and Uganda[71]. A more recent example, not covered by the mapping document, is a programme in South and East Darfur, Sudan, to strengthen basic social services. In the 3 million EUR programme, 1.36 million EUR has been specifically allocated to strengthening education in this conflict affected region by supporting the training of teachers[72]. In order to tackle fragmentation of support provided through the EDF, country strategies as a general rule now have to identify three priority issues. Given the fact that there are a lot of challenges to sustainable development in (post-) conflict countries, education or livelihood support for children and youth in general, or for CAAC in particular, will thus often not be included in these strategies. In those cases, effective complementarity with funding from Member States, international organisations or third countries will thus have to be sought.

The ENPI is currently used to provide emergency education to displaced Syrian children in Jordan and Lebanon. According to the 2012 Action Plans on Syria, approximately 30.4 million EUR has been allocated for support to the refugees and their host communities. The majority of the funds is used to provide primary, secondary and vocational (emergency) education[73]. The programme has been launched in order to complement the short-term aid provided by ECHO with long-term support. Compared to the projects included in the mapping document, this structural use of the ENPI to provide emergency education, especially on this scale, is new. In the document, there is only one instance wherein the ENPI could have been used to fund a project above one million EUR.

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[70] European Commission, Investing in People 2007-2013 Mid-Term Review, supra note 54, 4.
[71] As mentioned above, the mapping document does not indicate the funding source of the EU projects. However, these two countries are the only ACP countries wherein projects above 1 million EUR have been funded
[72] European Commission, Annex to the Annual Action Programme Sudan 2012, Darfur Basic Services Project (DBSP), 10.
[73] European Commission, Annual Action Programme Syria 2012, Action Fiche.

The geographic program of the DCI covers countries that are not included in the EDF, mainly in Latin America, the Middle East and Asia. South Africa is the only African country eligible under the programme[74]. As a result, the only countries currently or formerly on the priority list that could receive support through this geographic program are Afghanistan, Colombia, Myanmar, Iraq, Nepal, the Philippines and Yemen[75]. Under the program, children's rights are mentioned explicitly as an area of cooperation. The projects listed in the mapping document seem to indicate that the instrument has mainly been used in Colombia to fund projects dealing with CAAC issues.

The geographic development programmes have a high, but underused, potential when it comes to provide structural funding to projects related to education, fighting impunity and reintegration programmes for minors in CAAC contexts. However, under the EDF and DCI instruments, there are limitations to the provision of support armed forces through SSR initiatives. As these instruments are devised to deliver development assistance, they have to fulfil the requirements for Official Development Aid (ODA) established by the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD). These requirements only allow for support to the armed forces under strict conditions, such as for DDR and human rights related activities[76]. According to a UN SSR expert, this leads to SSR projects funded by development funds, such as the EDF, or under the UN Development Assistance Framework often to be reduced to support to the police and justice sectors (see Chapter V).

Instrument for Stability

The Instrument for Stability (IfS) was established in 2006 with a specific view to prevent, mitigate and resolve crises in a flexible way[77]. The Instrument has two components, a non-programmable one used to react to emerging crises and a programmable one that is used on the longer term to address issues such as post-crisis capacity building[78]. In other words, the Instrument is devised - on the one hand - to respond to unforeseen crises, complementing for instance EU thematic instruments which are often not suited to react in these situations due to their strategic planning and programming cycles. On the other hand, it can be used as a bridge between short-term humanitarian and longer-term development aid and thus be an important tool for a Linking Relief, Rehabilitation and Development LRRD strategy. The Commission therefore sees the Instrument for Stability as a means to consolidate achievements of CSDP missions in the long term. The selection of areas of intervention and projects are driven by demands from the EU Delegations, which can also develop a concept note for regional projects. This allows for a flexible approach tailored to the situation. The IfS could therefore potentially make an important contribution to addressing CAAC issues.

Since the 2012 Annual Action Plan, children and armed conflict figure amongst the priorities the EU Delegations can select for funding under the programmable part of the instrument[79]. However, so far no Delegation in any country on the EU priority list has selected children as a priority. As a result, no project explicitly dealing with CAACs has yet been funded under the instrument[80].

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[74] Regulation (EC) No 1905/2006 of the European Parliament and the Council of 18 December 2006 establishing a financing instrument for development cooperation.

[75] *Ibidem*, Annex 1.

[76] Cf infra on SSR funded by the EDF in the DRC.

[77] Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability.

[78] Art. 3 and 4 of the Regulation.

[79] Under art 4.3 of the Regulation.

[80] Interviews with EU Officials, 12 September 2013 and 28 October 2013, Brussels.

Apart from figuring as a priority under the programmable part of the project, the CAAC issue also touches upon DDR and SSR crisis response projects implemented in countries such as Afghanistan and the Central African Republic[81]. The Foreign Policy Instrument Service is currently carrying out a stocktaking exercise of best practices concerning mainstreaming of children's rights in these projects,[82] which could lead to guidelines on how to mainstream CAAC issues in these IfS-funded projects.

The Instrument for Stability has critical potential for EU action on CAACs. The instrument could address geographic and substantive gaps left by the thematic programmes, such as country specific interventions based on emerging needs identified by the EU Delegations. Moreover, it can complement the activities of EU CSDP missions in areas with CAACs. The budget line for pre- and post-crisis capacity building under which CAAC projects can be funded is limited (9 million EUR in 2012). Nonetheless, the absence of CAAC projects funded by the IfS results from a lack of awareness or initiative at the level of the EU Delegations. More awareness-raising on CAACs among the EU Delegations, both internally from the EU HQ and externally from civil society organisations, could increase their awareness of CAACs and strengthen their use of the instrument for this purpose[83]. Moreover, the European Parliament, when approving the instrument's Annual Action Plan, could ensure further explicit reference to CAAC and sufficient budget for CAAC projects.

4.4.6 Use of the instruments to strengthen international criminal justice systems

EU funding for projects explicitly aiming at fighting impunity for serious violations against children is very limited. Based on the exploratory research carried out inter alia through an analysis of the projects included in the mapping document, projects are barely, if ever, explicitly linked to CAACs, except for projects aiming at strengthening accountability for offenders of sexual violence in countries such as the DRC (see chapter V). Only one listed project, in the Philippines, has as its main objective to increase access to justice for CAAC.

However, the EU is supporting the international and national criminal justice systems in a more general way. The EU actively uses its instruments - on the one hand - to support the role of the International Criminal Court and Tribunals and on the other, to strengthen the rule of law within third countries through its development programmes and CSDP missions. The EIDHR, for instance, has funded projects of civil society organisations to support the work of the ICC and strengthen the rule of law on a local level. Geographic programmes support justice sector reform as well through more structural funding, e.g. in the DRC (see chapter V). Increasing accountability for serious violations against children in conflict and strengthening the national civil and military justice and police apparatus go hand in hand. Therefore, general programmes to support reforms within these sectors should be accompanied by specific projects to capitalise on these reforms by providing an impetus and additional support to the national institutions to prioritise the prosecution and redress of serious violations against children. These linkages have thus not yet sufficiently been reflected in strategic development programming on justice support with a potential CAAC dimension.

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[81] European Commission, Staff Working Document accompanying the 2012 Annual Report on the Instrument for Stability, SWD(2013) 292 final, 26 July 2013.
[82] Interview with EU official, 28 October 2013, Brussels.
[83] Ibidem.

4.4.7   Overall conclusion

The EU makes a clear effort to address CAAC issues in its funding, especially concerning humanitarian aid and thematic instruments. The geographic programmes and the Instrument for Stability are currently underused. There is a considerable imbalance between countries receiving assistance. Geographic comprehensiveness should be strengthened by allocating the scarce resources in a more needs-based way. On the aggregate level, substantive comprehensiveness is reasonably well attained, although relatively little attention goes to reintegration of CAAFAG and barely any to fighting impunity. However, on the country-level, this comprehensiveness is seldom replicated and interventions are often not stable through time. This is due firstly to the short-term nature of humanitarian aid and the global nature of calls under the thematic instruments, which hinder the development of a more structured and country-specific strategy. By making more use of the geographic programmes and the Instrument for Stability, more sustained and strategic funding could be secured, while also bridging the gap between humanitarian and development interventions. Moreover, the Instrument for Stability can complement the activities of EU Common Security and Defence Policy missions related to CAACs. Secondly, complementarity between EU and MS initiatives on the country level is often lacking. Increased coordination, especially concerning structural aid for e.g. education, could greatly enhance the coherence and impact of the EU action regarding CAAC.

5   THE DRC: A COUNTRY PERSPECTIVE

The Democratic Republic of Congo constitutes a good case study for the actions of the EU in the field of CAACs in a country context. The conflict that has affected the country since 1996 did not only cause an estimated 2.7 to 5.4 million casualties, it is also characterised by the endemic use of child soldiers both by the Congolese Armed Forces (FARDC) and the plethora of armed groups operating in the area. The DRC hosts the largest UN peacekeeping mission, MONUSCO, and a wide variety of international aid workers dealing with CAAC issues. The European Union is also strongly present there, through its Delegation, the numerous Member States Embassies and through its two CSDP missions, EUSEC and EUPOL.

5.1   General situation

In spite of progress made in stopping recruitment of children by the Congolese Armed Forces (FARDC), recruitment of children by armed groups has been on the rise with renewed violence following the creation of the M23 movement in April 2012. Several senior FARDC officers and soldiers in North Kivu joined this M23 movement. This made the FARDC to retreat their brigades from certain zones to regroup and focus their war effort on containing the M23 threat north of Goma, the provincial capital of North Kivu. The resulting security vacuum fuelled a new recruitment drive amongst other armed groups to take control over the territory. Moreover, the M23 movement allegedly recruited children in an organised manner both in the DRC and Rwanda[84]. A second dynamic leading to an increase in recruitment of children are attempts of armed group commanders to inflate the number of combatants under their control in order to obtain a better negotiating position with the FARDC prior to their integration in the army.

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[84] Interview with MONUSCO official, 17 October 2013, Kinshasa and UN Secretary General Annual Report on CAAC 2013.

In 2012, 1,497 children were separated or escaped from the armed forces or armed groups[85]. The total number of children leaving an armed group, however, largely exceeds this number, as many of the self-demobilised children never find their way to assistance or to the statistics. A total of 5,584 children associated with armed forces or groups has received support from the United Nations so far. A substantial part of children formerly associated with armed forces or groups never receives the support they are entitled to, inter alia as a result of funding gaps[86].

Apart from the recruitment of child soldiers, many other serious challenges remain with regard to the six grave violations against CAAC under UNSC Resolution 1612. Killing and maiming of children during clashes has increased over the last period, as well as instances of impeding humanitarian access to conflict-affected regions for reasons of military or monetary gain. Several incidents involving attacks on schools and hospitals were equally reported.

5.2   Monitoring and reporting

The DRC was the pilot country to have the UN SC Monitoring and Reporting Mechanism (MRM) established in 2006. The MRM is the main mechanism for the exchange and analysis of information on grave violations against children and is coordinated by the MRM Country Task Force, co-chaired by the SRSG/DRC and the country director of UNICEF. The Task Force meets once a month and consists of other UN agencies and two civil society organisations. The International Committee of the Red Cross (ICRC) has observer status. Every three months the Task Force submits a report to the SRSG/CAAC, who informs the SC Working Group on CAAC.

The information collected by the MRM is shared with the diplomatic community within the DRC mainly through the CAAC Group of Friends, which has been established mirroring the initiative at the UN/New York level. The Group is chaired by the EU Delegation and consists of all EU MS Embassies, the CSDP missions and some third countries such as the US and Canada. Every three months, coinciding with the submission of the MRM report to the SRSG/CAAC, MONUSCO and UNICEF update the Group on trends regarding serious violations against children and on-going initiatives. Apart from these three-monthly meetings, information between MONUSCO/UNICEF on the one hand and the EU Delegation and MS Embassies on the other is also shared on an informal basis. During the meetings, funding gaps are equally discussed. It is mostly the MS Embassies that respond to funding calls, and hardly – if ever – the EU Delegation[87]. Officials at the EU Delegation confirmed that they see the meetings mainly as an opportunity for the exchange of information. Moreover, the lack of budget and flexibility in EU funding prevents the Delegation from playing a structural role in ad hoc funding for CAAC initiatives (see chapter IV). The EU Delegation reports the information to the EEAS-CAAC focal point and to the EU Delegation in New York on an ad hoc basis. It is not clear whether and how the information is used to inform policy decisions at these levels.

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[85] 656 of them were associated with the M23 and another 486 with different mayi-mayi groups operating in the east of the country. 121 boys and 116 girls had been released or escaped from the Lord Resistance Army of Joseph Kony, currently operating in an area between north-eastern DRC (Province Orientale), the south-eastern Central African Republic and eastern South Sudan.

[86] Interview with UNICEF Child Protection Expert, 21 October 2013, Bukavu.

[87] Interview with UNICEF official, 15 October 2013, Kinshasa.

5.3   Demobilisation and reintegration

In 2012, the United States cut funding of military training programmes for the FARDC in application of the 2008 Child Soldiers Protection Act. According to UN officials active in SSR and Child Protection, this action has created considerable leverage to push the FARDC leadership into reforms[88]. On 4 October 2012, the United Nations and the Congolese Government signed an action plan to end the recruitment and the use of children by the national armed forces and security forces, as well as sexual violence against children.

Following the conclusion of the action plan, the Congolese Government issued two directives, one addressed to the armed forces reminding officers of the prohibition to use and recruit children and the penal and disciplinary measures that will be taken against those who violate these dispositions. The second prohibits the National Intelligence Agency (ANR) to detain minors on suspicion of being part of an armed group, which was a recurrent practice before the signing of the action plan. Moreover, the directives instruct the security forces and the ANR to share information with the working groups overseeing the implementation and to grant the United Nations access to military facilities and detention centres to monitor compliance with the action plan and to identify possible instances of underage recruitment or detention. The implementation of the action plan is monitored by a joint UN-Government technical working group, which is currently being replicated in four conflict affected provinces.

According to UN officials, there is a clear political will to tackle the issue and there has been tangible improvement in the facilitation of access to ANR detention facilities, leading to the release of a number of children. Joint screening takes place in recruitment centres. In case of doubt about the age of a potential recruit, UNICEF is contacted for advice on the case. FARDC officers reportedly regularly contact UNICEF on their own initiative. In spite of progress made, UN officials repeatedly stressed the resource-hungry nature of the technical working groups' performance under the action plan. Funding was lacking to allow the working group to launch communication campaigns or to go on missions to monitor the implementation and increase FARDC compliance with the action plan on the field.

Children associated with armed groups are often identified when these groups are present in transit centres awaiting integration in the FARDC. E.g., 49 children were separated from the mayi-mayi Nyatura when they went through a partial integration in North Kivu in October 2012. With the strengthened MONUSCO mandate of March 2013 that includes the first ever offensive UN combat force, more armed groups are reportedly willing to demobilise and/or integrate into the FARDC. In this respect the M23 movement has recently conceded its defeat after a series of UN-backed FARDC offensives. As a result, the capacity of reintegration programmes for CAAC will have to be increased in the short and medium terms[89].

Once children have been separated from the armed forces or groups, they are transferred to Transit and Orientation Centres (CTOs), while their families are traced and their return to the community negotiated. The centres are mainly managed by national NGOs and funded by UNICEF. During their stay, children receive psycho-social support. Once returned to the communities, the children receive either primary or secondary education or a vocational training in a village near to their home. In order for the programmes not to solely benefit children formerly associated with the armed forces or

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[88] Interview with MONUSCO official, 17 October 2013; Interview with former MONUSCO official, 9 November 2013, Juba, South Sudan.
[89] Interview with MONUSCO official, 17 October 2013, Kinshasa.

groups, which would be discriminatory against other disadvantaged children and lead to disaffection within the community, children in vulnerable situations too are admitted in the program. These children often make up 30 to 50% of the total number, depending on the project's capacity.

5.4 The role of the EU

5.4.1 Political

According to Delegation staff, the CAAC issue is regularly tackled during dialogues with the Ministries of Defence, Justice and Human Rights, Interior, Social Affairs and Gender and Family. These dialogues include the demobilisation and reintegration of minors identified in the security forces[90].

In 2012, the Delegation encouraged the Government to adopt the Action Plan. However, according to UN staff working on CAAC and SSR, the visibility of the EU Delegation in lobbying for the adoption of the action plan was low[91]. The implementation of the action plan is now followed up at the EU level through monthly meetings of the EU human rights focal points in the EU Delegation, Embassies, EUPOL and EUSEC. As previously mentioned, updates on its implementation and the CAAC situation are also shared through the informal group of friends of CAAC.

5.4.2 Projects

Following the 2008 Global EIDHR call, one project dealing with CAAC in the DRC was approved. The project was implemented by War Child UK and aimed at the socio-economic reintegration of girls formerly associated with armed forces or groups and the prevention of recruitment of vulnerable girls in and around Goma, North Kivu. This was pursued through the establishment of child protection networks and capacity building of a local civil society organisation to set up reintegration programmes. The project came to an end after a three-year period. There are currently three projects being implemented following the 2012 IIP call. Although these projects deal with violence against children in a more general way, some do have CAAC aspects, such as a project to strengthen accountability for perpetrators of gender-based violence.

The DCI-funded project of the ILO to implement reintegration measures reportedly has had a tangible and positive impact in the DRC. Although the project is not DRC specific, one of the outcomes has been a practical guide on economic reintegration for CAACs (see chapter II). A core element of this practical guide has been the introduction of local labour market assessments. Before, a recurrent problem of reintegration programmes and vocational training for CAAC was that the children were offered a standard set of trainings, such as tailoring or carpentry. These trainings only rarely fitted the demand on local labour markets, leading to a large degree of unemployment amongst reintegrated children, with a concomitant increased risk for re-recruitment or for migration to the regional cities, where they often ended up on the street. The assessments carried out following the ILO participatory methodology led to the creation of courses to open small restaurants and shops, and to dissuade girls from taking courses in tailoring. Moreover, the ILO is present in the DRC through a partnership with a local civil society organisation that evaluates the assessments of the reintegration programmes. The more tailored response enabled by the ILO methodology seems to have considerably enhanced the impact of the programmes and helped to shift focus from short-term rehabilitation to a successful long-term reintegration.

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[90] Communication with EU Delegation staff, 15 November 2013, Kinshasa.
[91] Interview with UNICEF official, 15 October 2013, Kinshasa; Interview with MONUSCO official, 17 October 2013, Kinshasa; Interview with former MONUSCO official, 9 November 2013, Juba.

According to an EU Delegation official, much is expected from the UNICEF toolkit to address children's rights in European development cooperation and external relations, which was funded by DCI. It has, according to the official, the potential to increase awareness of children's rights issues amongst Delegation staff and to fill the gap previously experienced by delegation staff in terms of specific training on these issues. The development of the toolbox was followed by online courses and a training session in Addis Ababa in November 2013[92]. The training mainly targets human rights focal points, who have to ensure further transfer of knowledge and mainstreaming of children's rights issues within the EU Delegation[93].

Although apart from nutrition, offering relief to children affected by armed conflict does not feature in the Humanitarian Implementation Plan on the DRC, ECHO funds several types of projects directly linked to children and armed conflict[94]. It supports the ICRC in facilitating family reunification of conflict affected children and a couple of projects in the Kivu provinces to protect children from recruitment and provide child-friendly spaces and education, such as one of War Child Holland in South Kivu[95]. The latter project seeks to sensitise communities on recruitment and reintegration of children, which is particularly important in areas such as Kalehe, South Kivu. The Raïa Mutumboki militia enjoy strong support of local communities in that area, which sometimes even actively encourage the recruitment of their children into the group. In the framework of the EU Children of Peace project, the Norwegian Refugee Council will provide emergency education to 9,000 internally displaced children in Masisi territory, North Kivu. ECHO is also a large funding contributor to UNICEF's Rapid Response to Movement of Population (RRMP), which seeks to provide inter alia emergency education to displaced children in conflict-affected regions.

Based on the information available, there are currently no programmes on (emergency) education for CAAC funded through the EDF in the DRC. The EDF is providing 20 million EUR in funds to the *Uhaki Safi* (Good Justice) project to strengthen the justice sector in the conflict-affected Kivu provinces and the Ituri district[96]. Within the project's objectives, no direct mention is made of CAACs and the need to end impunity of those involved in grave violations against children, including through killing and maiming or recruitment. However, the project could have an indirect beneficial impact on the situation of CAAC, as it aims to strengthen the military justice system and to support mobile court hearings (*audiences foraines*). These court hearings are *inter alia* geared towards ending impunity for acts of sexual violence committed by the FARDC, which often affect girls. The second complementary project is directly geared towards combatting sexual violence, including through support to the justice system[97]. The project is, however, targeting western provinces, which are not affected by armed conflict, and Maniema, which experiences relatively limited activity of armed groups and FARDC compared to the Kivu provinces in the East.

Under the upcoming 11th EDF cycle, education does not feature amongst the priorities set by the EU Delegation, thereby *prima facie* limiting the possible role of the EDF in providing more structural and

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[92] Other regional trainings are scheduled to take place in Cotonou, Dakar and Bangkok.

[93] Communication with EU Delegation staff, 15 November 2013, Kinshasa.

[94] ECHO (2013), Plan de mise en oeuvre humanitaire (HIP) RDC et réfugiés dans la region des Grands Lacs, ECHO/COD/BUD/2013/91000.

[95] Interview with ECHO staff, 18 October 2013, Bukavu.

[96] European Commission (2012), Annex to Annual Action Plan 2012 on the DR Congo, Programme d'appui au renforcement de la justice à l'Est – PARJE (Uhaki Safi).

[97] European Commission (2013), Annex to Annual Action Plan 2013 on the DR Congo, Initiative pour lutter contre les violences liees au genre en Republique Democratique du Congo (RDC): Femmes et Hommes, progressons ensemble.

long-term support of the EU in this sector. On the other hand, priority will reportedly be given to supporting SSR in the DRC to consolidate the work of the EUPOL and EUSEC missions[98]. However, throughout the interviews, SSR experts of the UN and EUSEC recurrently expressed concerns that the limitations put on ODA benefitting the FARDC might reduce the impact of these future programmes. This tension is for instance exemplified by the fact that the 10th EDF funded the census of the Congolese National Police (PNC), but that the census of the FARDC was funded by the CSDP budget through the EUSEC mission. In instances where the EDF cannot be used for reforming the FARDC, including with a view to end underage recruitment and other serious violations against children, complementary use of for instance the IfS will have to be sought proactively.

Based on the information available at the time of writing of this report, there were no projects on CAAC funded through the IfS. In December 2011, a 12.6 million EUR project to support SSR in the DRC was approved under the IfS. Although none of its components are directly concerned with CAAC issues, it aims inter alia at strengthening the capacities of the military justice system, which could lead to better accountability for FARDC soldiers committing grave violations of children's rights, including recruitment and the killing and maiming of children. Moreover, the project also finances the distribution of ID cards to the Congolese National Police (PNC) as a follow-up to the EDF financed census[99]. Noteworthy in this regard is that the programme also funds projects to improve the living conditions of FARDC soldiers. Such assistance is reportedly impossible with EDF funding and is considered to be an important tool to move the soldiers to greater compliance with international humanitarian norms, including those regarding children[100].

5.4.3   CSDP – EUSEC

The EUSEC mission's mandate is to advise the FARDC on security sector reform. Although the mission does not have projects with a specific focus on child soldiers, the issue is to a large extent mainstreamed in its operations. First, the mission has established a close working relationship with the FARDC section dealing with training on civic responsibility and social action (SECAS)[101]. Through jointly developed trainings and sensitisation initiatives, human rights, the protection of civilians and child protection are systematically addressed. In 2011, EUSEC published a series of six training manuals in collaboration with inter alia MONUSCO. One of these training manuals deals exclusively with children's rights and child protection.

According to a EUSEC official, this has led to a broad sensitisation of the FARDC soldiers on the topic. However, many of the non-integrated brigades in the East of the country were not yet trained on the issue. Secondly, the mission implemented a project to provide biometric identification cards to FARDC soldiers in an effort to have a precise idea on the number of soldiers enrolled in the army. This project aimed to tackle recurrent problems involving officers exaggerating the number of soldiers under their command in order to keep a share of the money transferred for wages. As issuing these cards entails a physical check of each soldier, controls were simultaneously carried out with regard to

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[98] Interview with EU Delegation staff members, 16 October 2013, Kinshasa.

[99] European Commission, 2012 Annual Report on the Instrument for Stability, 25; See for instance: OECD, ODA Casebook on Conflict, Peace and Security Activities, 13 September 2007, DCD/DAC(2007)20/REV1, 56. A project to improve the chain of payment to FARDC soldiers was deemed not ODA-eligible as "by supporting the military it does not meet any of the OECD DAC ODA criteria. Should this programme have been implemented in support of the Police it would have been considered ODA eligible."

[100] Interview with EUSEC staff, 17 October 2013, Kinshasa; European Commission, 2012 Annual Report on the Instrument for Stability, 25.

[101] Service d'éducation civique et d'action sociale (T5).

under-age recruitment. The presence of numerous minors in the army was in this way signalled to EUSEC by FARDC officers. These minors were handed over to UNICEF, which offered them reintegration support. EUSEC is also part of the national technical working group. It is actively involved in assisting the FARDC in the implementation of the action plan, with a particular view to further sensitise the FARDC on the issue, both through bottom-up training and top-down engagement with FARDC senior staff.

Although the EUSEC official stressed the achievements made by the mission in raising awareness on CAAC issues and in identifying child soldiers, he expressed fears that the consolidation of these achievements after the closing down of the mission in September 2014 would face serious challenges, inter alia due to the rules established for ODA which not allow for funding of facilities for the military or their dependants[102]. Consolidating EUSEC's work on SSR will therefore, as mentioned above, have to rely on strong coordination between the EU and the organisations taking over EUSEC's role, such as MONUSCO, and on making active use of the EDF, complemented by the IfS where the latter is more suited.

5.4.4 EU Member State Embassies

Several EU MS Embassies play an active role concerning CAAC. The Embassy of the United Kingdom for instance, funds several projects related to emergency education in the eastern DRC through its humanitarian programme. The UK, as the largest contributor to the DRC Pooled Fund, provides also indirectly considerable funding to UNICEF projects touching upon CAAC[103]. Sweden is supporting UNICEF's programme Promoting Governance for Child Protection and Strengthening the Protective Environment from all Forms of Violence, with a focus on reintegrating CAAFAG since 2010. The French Embassy invested 1.64 million EUR in funding for CAAC projects between 2008 and 2012, benefitting almost 37,000 CAAC in the east of the country. The Embassy of the United States is also very proactive and - according to a European diplomat -is the Embassy taking the lead on the issue, e.g. through the aforementioned diplomatic pressure to adopt the action plan.

5.5 Evaluation

According to officials in the EU Delegation in Kinshasa, the human rights focal point and the Delegation senior staff are sufficiently aware of the nature and the scope of the CAAC issue in the DRC. Both the Political and Operations sections deal with the topic, although it receives relatively little attention in comparison to other (human rights) issues[104].

The 2007 EU Guidelines on Children and Armed Conflict, however, are not well known nor regularly referred to within the Delegation or within the broader aid community. According to a 2012 evaluation made at the level of the Delegation, this is due to the fact that first of all, the number of projects specifically dealing with CAAC is limited, and that the Delegation gives preference to projects either dealing with a broader range of child protection issues or with mainstreaming of child protection in sector programmes, for instance juvenile detention in Justice programmes. Secondly, aid agencies or NGOs implementing CAAC issues mostly use the best practices of the sector itself, such as the Paris Principles. Thirdly, at the political level, lobbying and awareness raising activities

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[102] See ODA Casebook, 56, concerning the same case as mentioned in footnote 99, wherein the Secretariat states that "funding of facilities for military personnel and their dependants is not reportable as ODA."

[103] The Pooled Fund is administered by UNDP on behalf of the participating UN Organizations. For more information, see: http://mptf.undp.org/factsheet/fund/HCG10 .

[104] Interview with EU Delegation staff members, 16 October 2013, Kinshasa.

carried out by the Delegation, embassies, international organisations and NGOs draw upon the policy framework contained in UNSC Resolution 1612. Moreover, UNICEF most often takes the lead on this topic, complemented by occasional initiatives of the Delegation or the MS embassies. As a result, the interest in the Guidelines as a potential framework for action remains limited. Actions proposed in the Implementation Strategy are taken in a spontaneous way, without explicitly making use of or referring to the Guidelines. A systematic and comprehensive approach to CAAC based on the benchmarks of the Guidelines or the 2010 Implementation Strategy has not yet been developed.

Also according to the aforementioned evaluation, the implementation of the advocacy, coordination and monitoring aspects contained in the 2007 Guidelines are hampered by understaffing and lack of financial means at the Delegation level. In the political section, there is currently one human rights focal point in charge of the broad range of human rights issues at stake in the DRC. On the operational level, the lack of possibilities for ad hoc or more strategic funding for the Delegation prevents the development of a more strategic funding framework seeking complementarity with funding from Member States and other donors. The CBSS budget line of the EIDHR is very limited in financial terms, given the broad range of topics that can be covered and that it is geared towards capacity-building of local organisations[105]. Moreover, the Delegation only has limited influence on the selection of projects funded under global EIDHR/IIP calls. The uncertainty about obtaining funding for CAAC projects and the unstable nature of funding available equally hamper more strategic planning on CAAC issues.

Although EU involvement in addressing the CAAC issue in the DRC is not explicitly following the approach or benchmarks contained in the Guidelines, the EU activities in the DRC demonstrate an active effort both from the HQ and Delegation level to engage with the issue. Based on interviews with EU officials and aid workers and an external evaluation report, it can be concluded that the CAAC projects in the DRC are based on an inclusive and comprehensive approach to the CAAC issue, in a context-specific way. *Prima facie,* they seem to have a positive impact on the ground[106]. The IIP projects implemented by the ILO and UNICEF address needs that exist in the field and offer ways to improve the long-term results of reintegration programmes and tools to achieve better child rights sensitive EU external action. However, the projects confirm the overall problems signalled in chapter four. The unpredictable nature of thematic funding leads to ups and downs in the budget available for CAAC and in the level of involvement of the EU. It also prevents selection of projects under thematic funding based on a wider country-specific strategy. This, taken together with the lack of budget available at the EU Delegation level to address emerging crisis response gaps, limits the potential role of the EU. In the East of the country, this is to some extent counterbalanced by the more flexible funding of protection programmes through ECHO. The Instrument for Stability and the development of a structural EU-MS complementary response are underused.

The EUSEC mission has adopted a strong CAAC-conscious approach in its SSR projects, both in terms of the training provided to FARDC brigades and through mainstreaming of the issue in other pillars of the mission, such as administrative reform, as mentioned above. The close engagement of the EUSEC mission with the FARDC, together with the presence of the EU Delegation, creates leverage at the level of the Government and the FARDC to push through and follow up on CAAC-sensitive reforms, such as the implementation of the Action Plan. This clear comparative advantage of the EU when it

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[105] The CBSS funding available in the DRC is currently 600,000 USD/year.
[106] Eleanor Cozens, Supporting the Protective Environment of Girls in Goma, Eastern DRC: External evaluation report, April 2013, unpublished.

comes to tackling state-sponsored child recruitment or FARDC involvement in other serious violations against CAAC has not yet reached its full potential. For instance, there has been no funding allotted to support the further implementation of the Action Plan by the technical working group. This will become all the more important once the EUSEC mission ends in September 2014.

The long-term consolidation of the impact achieved does not only pose a serious challenge to the security reform initiatives of the CSDP mission, but also to the projects funded through the thematic instruments. Although the EDF is well endowed with financial resources, there are two main risks for inconsistencies with the existing initiatives. First, although SSR is one of the priorities set for the 11th EDF in the DRC, projects have to fulfil the standards set for ODA, which only allow for limited support for FARDC reforms. For instance, supporting social projects within army barracks with a view to improve compliance with humanitarian law, including CAAC aspects, seems to be problematic[107]. The IfS could be used in a CAAC sensitive way to complement the EDF funding for SSR. Secondly, education, which could act as an important LRRM bridge, is not amongst the priorities for the 11th EDF. This impedes a more structural and long-term implementation of the emergency education projects funded by ECHO's Children for Peace programme and of schooling or vocational training for children that are demobilised or at risk of recruitment. A structural, CAAC-sensitive coordination of EU-MS development priorities is therefore necessary.

6   POLICY OPTIONS AND ACTION POINTS

The terms of reference request proposals for policy options for the EU, and particularly for the European Parliament, to make progress in meeting the problems that are identified in the report.

General policy options and more specific, often rather remedial action points, are listed below. This report echoes many recommendations made in a 2007 report (Sheriff 2007). This suggests that the first priority should be to implement these recommendations and thereby improve what is already happening, rather than to take new initiatives.

The policy options and action points revolve around issues of complexity, comprehensiveness and coherence:

6.1   Keep acknowledging the complexity of the problem

In chapters 2 and 3, it was shown that there are no simple answers to voluntary enlistment or to the return to armed forces or groups after demobilisation. The dilemma whether child soldiers are primarily victims or perpetrators will not go away. Children are in many different ways *involved* in armed conflict, not just through participation in hostilities. Many more are strongly *affected* by armed conflict, and some groups such as girls, children in poverty and children with disabilities are particularly affected. Both states and non-state actors are involved. The topic is closely connected with broader issues of poverty, failed states, peace and reconciliation, which require long-term engagement.

- The EU should keep acknowledging the complexity of the issue of children affected by armed conflict in policies and programmes. The focus should remain on all children affected by armed conflict, rather than to limit the attention to child soldiers only. With regard to child soldiers, the victim-perpetrator tension necessitates long-term, community-based recovery and rehabilitation interventions.

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[107] Interview with EUSEC official, 17 October 2013, Kinshasa.

- The EU should develop evidence-based policies by building on the wealth of interdisciplinary academic knowledge that is available. This requires sustained capacity-building: on-going reflection and training is needed. Regular consultation with experts can facilitate keeping up with new insights. Full use should be made of available tools, such as the recently accomplished UNICEF Toolkit, rather than to look for the development of yet another set of training tools.

- The EU should support strengthening the knowledge base through academic studies e.g.: on the deterrent effect of prosecution of those who commit serious human rights violations related to CAAC, and of child soldiers themselves; on good prevention strategies; on good and best practices.

- The EU should develop systematised knowledge itself on programmes and projects that it has financed/implemented, in order to use in it future programming. This requires monitoring and evaluation of individual programmes and projects, as well as an overall meta-analysis of the findings on these distinct programmes and projects at regular intervals. Care is to be taken that monitoring and evaluation is not reduced to measuring immediate results; the complexity and long-term dimensions of interventions should be fully taken into account.

6.2   Reduce the complexity of the normative framework

Legal standards and age limits are at variance. Harmonisation of legal standards or a harmonised approach to these standards in policies and programmes will allow all those involved to better understand the standards.

- The EU should continue to support the campaign for universal ratification of the Optional Protocol on Children and Armed Conflict, internally (towards member states) and externally.

- The EU should encourage its member states to raise the minimum age for voluntary enlistment to 18.

6.3   Offer comprehensive responses

6.3.1   Beyond child soldiers: focus on all children affected by armed conflict

An exclusive focus on child soldiers, at the expense of all children affected by armed conflict, is artificial and counterproductive in practice.

- The EU should maintain its broad focus on all children affected by armed conflict, and the European Parliament should align itself with such a general focus.

6.3.2   Beyond disarmament and demobilisation

The involvement of children and young people in armed conflict cannot be resolved through disarmament and demobilisation alone. A more comprehensive approach is needed, which includes the recovery and reintegration into local communities and society as a whole, as well as reconciliation.

- The EU should pay more attention to recovery, reintegration and reconciliation in a multidisciplinary and holistic approach, at the four levels of the intervention pyramid: basic services and security for the society as a whole; community and family support; focused, non-specialised psycho-social support; and specialised psycho-social services for those who need it.

- The EU should avoid excessive targeting/earmarking of funds so that interventions on the ground can accommodate the complexities.

6.3.3   Beyond humanitarian assistance

There is a need for long-term engagement and intervention: coming to terms with the past takes a long time for individuals, communities and societies. Recovery, reintegration and reconciliation should be part and parcel of development cooperation policies and programming.

–   The EU should maintain and strengthen the attention paid to children affected by armed conflict in its development cooperation policies and programming

–   The EU Children of Peace initiative should be transformed into a strategic EU programme on CAACs, in which the importance of education in emergency situations as a child protection strategy and as a link between short-term projects with a long-term development approach is acknowledged. This also requires more funding.

6.3.4   Beyond a reactive approach

More efforts should be made to prevent that children are affected by armed conflict, and to prevent armed conflicts altogether. Prevention requires specific attention to issues of poverty, struggle over scarce resources, and the arms trade, among others.

–   The EU should pay sustained attention to the prevention of armed conflict and the way children are affected by armed conflict, inter alia by addressing poverty and the struggle over scarce resources.

–   The EU should encourage ratification of the Arms Trade Treaty.

6.3.5   Beyond an exclusive focus on States

Children are affected by actions of both armed forces and armed groups. As armed groups involve children in conflicts too, they should be engaged with. Non-governmental organisations are usually better placed to enter into a dialogue with armed groups.

–   The EU can financially support engagement of civil society organisations with non-state armed groups during and towards termination of conflict.

–   The EU should pay more attention to communities in its policies on recovery and rehabilitation, as well as in its funding policies. Local communities play a key role in recovery and reconciliation. The resilience of communities and meaning-making at the local level should be fully accredited. The EU should therefore avoid an individualistic approach; it should support communities in recovery and reconciliation efforts.

–   Recovery and integration initiatives should be contextual and sensitive to local practices and beliefs. This requires a good understanding of the context in which the interventions take place.

6.4   Internal coherence and cooperation

Coherence of policies and responses among all actors involved is the key to a comprehensive response to children affected by armed conflict. Coherence is also needed between policies and implementation. Coherence is not an end in itself, but should contribute to more and better cooperation.

1.   The EU should maximise coherence between member states and EU institutions (EEAS, European Commission). A structural, CAAC-sensitive coordination of EU MS development priorities at country level is equally warranted.

    a.   The EU should identify a lead agency on CAACs to ensure coherence, coordination and cooperation. Logically, the EEAS, as the main policymaking body on this issue, could be

the lead agency. However, the success of policy implementation crucially depends on close cooperation with several directorate-generals in the European Commission.

b.   The EU should strengthen follow-up within COHOM by organising dedicated sessions on CAACs, in order to identify strategic approaches and linkages with UN initiatives.

c.   The EU should ensure specific expertise within all institutions at headquarters (including the European Parliament) and in Delegations.

2.   The EU should maximise coherence between headquarters and Delegations in the field. Delegations should be given the power and financial means to initiate, in collaboration with MS/donors, a more strategic programme; that would include, in addition to the funding of ad hoc innovative projects, activities promoting training and awareness, and better mainstreaming of the CAAC issue in EU cooperation.

3.   The EU should maximise coherence between policy domains of humanitarian assistance, development aid and trade.

a.   The EU (ECHO) should ensure that children are fully recognised in theory and practice of its humanitarian action as beneficiaries with special needs (mainstreaming); it should further develop its emergency education approach and ensure long term EU support through the use of geographic instruments/EU MS (pooled fund).

b.   COHOM should organise at regular intervals joint COHOM-CODEV discussions to coordinate policy orientations on CAAC.

4.   The EU should maximise coherence between and among political instruments and funding instruments.

a.   The EU should strategically use in practice the wide variety of policy instruments in order to maximise 'synergies' and complementarity; the EP and COHOM/CODEV have an important role to play in this regard.

b.   Under the thematic funding instruments, an integrated and comprehensive approach should be adopted in the priority countries:

–   proper funding for CAAC projects under dedicated budget lines needs to be provided for;

–   further mainstreaming of children's rights should not lead to a decrease in budget support for a specific and comprehensive CAAC approach, given the specific needs of e.g. CAAFAGs;

–   Stability over time in CAAC funding under the thematic instruments should be ensured, e.g. through the pooling of funds across thematic instruments/calls.

c.   The use of geographic instruments for more longer term and structural CAAC funding should be increased;

–   A CAAC sensitive approach has to be mainstreamed in programmes touching upon the issue, such as education, employment and justice support

–   Complementarity has to be sought with MS funding in CAAC affected countries

d.   The Instrument for Stability should be used to address geographic and substantive gaps left by the thematic programmes, such as country specific interventions based on

emerging needs identified by the Delegations. Moreover, it can complement the activities of EU CSDP missions in areas with CAACs.

- The EU should mainstream CAAC in the non-programmable part dealing with DDR and SSR.

- The EU should make more use of the programmable part to address gaps left by other EU instruments, MS and third countries; EU delegations must actively seek and flag these gaps.

- The EP should ensure the inclusion of CAAC and dedicated funding in the IfS when approving the IfS Annual Action Plan.

6.5   External coherence and cooperation

The EU should maximise coherence between its own policies and those of international and other regional actors.

1.   The EU should actively support the campaign of the SRSG/CAAC to end underage recruitment by state forces; in particular, Yemen and Sudan should be encouraged to adopt an action plan on underage recruitment.
2.   The EU should support politically and funding-wise the implementation of action plans on underage recruitment.
3.   The EU should continue to play an active role in the UNSC WG CAAC, and should consider making full use of the toolbox developed.
4.   The EU should continue to emphasise the importance of accountability of those who recruit and use child soldiers;
     a.   The EU should continue support for the International Criminal Court and raise accountability issues for serious human rights violations related to CAAC in dialogues with states.
     b.   The EU should improve mainstreaming of CAAC issues in projects aimed at fighting impunity and increase funding for projects specifically aimed at holding perpetrators of serious violations against children accountable
5.   The EU should adopt an official policy on providing support to armed forces that are listed in the Annex of the UN Secretary General's yearly report. EU support could be made conditional on the adoption and implementation of an action plan on underage recruitment signed with the UN.

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