

Guidance Concerning Child Soldiers:

1. EU/EU-led forces may be called upon to conduct operation in areas where the (former) parties to the conflict have (forcibly) recruited child soldiers. The LOAC and human rights law contain provisions regarding the participation of children in armed conflict and the requirements specific to the protection of children. As legal obligations of the (former) parties to the conflict may vary, the legal annex to the OPLAN should, when appropriate, detail obligations of those parties in order to assess whether violations have occurred. When appropriate, the OpCdr will issue specific guidance with respect to reporting and treatment of children. An example of such guidance is:

a. International law recognises that children are a particularly vulnerable group in armed conflict. Special measures are to be taken both in peacetime and in armed conflict to protect children from the effects of hostilities.

b. Bearing in mind that ROE authorise necessary and proportionate force only, EU/EU-led forces are authorised to take all necessary measures against individuals or armed groups, regardless of their age. Necessary measures may include the use of armed force.

c. Protection of vulnerable groups is conditional upon their non-participation in hostilities. While the exact meaning of this term is not laid down, examples of behaviour by child soldiers which may make them liable to measures by the EU/EU-led forces include:-

☞ Using force;

☞ Handling weapons in public;

☞ Participation in organised armed deployment;

☞ Otherwise posing a threat to the force.

d. Should a threatening posture be adopted by child soldiers, EU/EU-led forces are if possible to pursue a course of action of disarming and, if deemed necessary, detaining, regardless of the age of the individuals concerned.

- e. In addition to the general provisions on detention, should detention be deemed necessary, child soldiers will be separated from adult detainees where this is feasible and in the child's best interests. All feasible measures will be undertaken to ensure access for child detainees to appropriate food, clothing and shelter. The International Committee of the Red Cross (ICRC) and specialised UN agencies should be granted direct and uninhibited access to these detainees. If there is any doubt regarding the age of detainees, they will be considered as children.
- f. Early consultations will endeavour to achieve inclusion of child soldiers in international and EU programmes with respect to disarmament, demobilisation, resettlement and reintegration.
- g. The Statute of the International Criminal Court (ICC) states that conscripting or enlisting children under the age of 15 years into the national armed forces or using them to participate actively in hostilities is a war crime. Therefore, if in the process of its mission accomplishment EU/EU-led forces receive information regarding armed groups or armed forces enrolling children below the age of 15 or using them to participate actively in hostilities, EU/EU-led forces will report this information through the EU Chain of Command for possible subsequent co-operation with international or regional organisations, local authorities and judicial bodies.