

Office of the Special Representative for Children and Armed Conflict

**Input to the Universal Periodic Review of the Human Rights Council
Report on the Democratic Republic of the Congo**

13 April 2009

A. Grave violations against children in armed conflict

Source: Elements of this input were incorporated into the combined report of seven thematic special procedures on technical assistance to the Government of the Democratic Republic of the Congo and urgent examination of the situation in the east of the country (A/HRC/10/59, 5 March 2009), except where other sources are indicated.

1. Information verified through the Security Council resolution 1612 (2005) monitoring and reporting mechanism noted a general decrease in the number of allegations of grave violations against children such as the killing and maiming of children, the recruitment and use of child soldiers, and rape and other grave sexual violence from June 2007 to September 2008 in the DRC. However, children remained highly vulnerable in areas of on-going conflict such as Ituri and the Kivus. Unfortunately, any modest protection gains that may have been registered through 2007-2008 were obliterated by the intense fighting that occurred in October 2008.

Significant events such as the splitting of the CNDP, the detention of Laurent Nkunda by the Rwandan Government as well as the joint military operations by FARDC and Rwandan Defence Forces against the FDLR may also carry significant implications for children, in terms of the increased risk of children being used in military operations, of children being killed or injured in hostilities, and the demobilization of children within CNDP and other armed group. (*Secretary General's report on Children and Armed Conflict, A/63/785-S/2009/158*)

All the parties to the conflict are committing grave violations against children. Perpetrators include armed elements of the remaining Mai-Mai groups, CNDP, FLDR and foreign armed elements, as well as members of the Congolese security forces.

2. Recruitment and use of children: From **September 2007 to December 2008**, MONUC documented a total of 554 children (including 26 girls) who were newly recruited. 86 percent of these documented cases occurred in North Kivu, 12 percent in South Kivu, one percent in Oriental Province and one percent in Rwanda. New cases of recruitment of children have been attributed to PARECO (29 percent), all Mai-Mai factions (32 percent), Congres National pour la defense du Peuple (CNDP) (24 percent) and Forces Démocratiques de Liberation du Rwanda (FDLR) (13 percent). A total of 1,098 children, including 48 girls, were documented to have separated from or escaped from armed groups. (*Secretary General's report on Children and Armed Conflict, A/63/785-S/2009/158*)

Although systematic recruitment of children by the Forces Armées de la République démocratique du Congo (FARDC) have ceased in accordance with their military policy and applicable international laws, children continue to be integrated into the force through the brassage process due to lack of proper screening. The release of children present with the FARDC has been frequently obstructed, and child protection partners have been denied access to brassage centres by some FARDC commanders in order to identify and separate children. The presence of some children continues to be reported in remaining Non-Integrated FARDC Brigades, particularly in the Kivus. (*Secretary General's report on Children and Armed Conflict, A/63/785-S/2009/158*)

The recruitment of children and their use in active combat by CNDP increased due to the resumption of fighting with the FARDC in late 2007 and since September 2008. In November 2008, the CNDP recruited children from schools in Masisi and Rutshuru territories. CNDP also detained children captured from various armed groups during the fighting. (*Secretary General's report on Children and Armed Conflict, A/63/785-S/2009/158*)

The FDLR and its sub groups FDLR-Forces Combattantes Abacunguzi (FOCA), FDLR-Rally for Unity and Democracy and FDLR-Soki continue to recruit children, many of whom include children from Rwanda. Between June 2007 and September 2008, a total of 82 Rwandan children separated from armed groups were repatriated by MONUC. Out of this total, 48 were recruited by FDLR, 25 by CNDP, 7 by FARDC and 4 by Mai-Mai groups. (*Secretary General's report on Children and Armed Conflict, A/63/785-S/2009/158*)

3. Rape and other grave sexual violence: Widespread incidents of rape and other sexual violence against girls and boys remains of critical concern. The numerous efforts of the government and the international community to address this issue are not yet adequate to stem the tide of violations.

A majority of the perpetrators are elements of armed groups in the regions of active conflict, including FARDC soldiers and National police officers. In 2008, children constituted 2,727 cases of sexual violence in Oriental province; among them 2,204 cases in Ituri, 528 cases in South Kivu; and 1,196 cases in North Kivu. (*Secretary General's report on Children and Armed Conflict, A/63/785-S/2009/158*)

4. The regional and cross-border dimensions of the conflict also carry significant implications for children. This includes reported attacks by groups such as the LRA, the recruitment of children from neighbouring countries, and the issue of repatriating children demobilized from fighting groups in Congo to their countries of origin (also refer to recruitment of children from Rwanda, as above).

Since September 2008, reports of abduction of large numbers of children by the Lord's Resistance Army (LRA) were received. As of November 2008, MONUC child protection documented 154 cases following the LRA attacks in and around Dungu, Haut Uélé

district, Oriental province. At the end of December 2008, further cases of abduction, killing and sexual violence against children were reported after attacks on Faradje and Doruma. Between September and December, 104 children escaped the LRA and received reintegration support by child protection partners. In December 2008, the national armed forces of DRC (FARDC), Southern Sudan (SPLA) and Uganda (UPDF) launched a joint military attack on LRA rebels in the DRC, provoking the dispersion of the LRA towards the Sudanese border and south of Congolese territory. (*Secretary General's report on Children and Armed Conflict, A/63/785-S/2009/158*)

B. Key recommendations of the Secretary-General

Source: Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2008/693)

1. Recognizing the decrease in recruitment and use of children by the parties to the conflict as compared with the period covered by my last report, I remain deeply concerned about the thousands of children remaining with armed forces and groups in the Democratic Republic of the Congo, and I urge the parties to cease any new recruitment of children and to release unconditionally all those currently associated with their forces. Building on ongoing dialogue with the United Nations in this regard, I urge FARDC to follow through on the commitments it has made by preparing, in the framework of Security Council resolution 1612 (2005), an action plan to identify, release and ensure effective reintegration of all children associated with their forces, to prevent further recruitment and to address all other grave violations against children.
2. Furthermore, I reiterate the call of the Security Council to parties cited for violations, such as CNDP, FDLR and Mayi-Mayi armed elements, to respect their commitments for the protection of children, to end recruitment and use of children and to release all children still within their ranks, in accordance with the statements of commitment of February 2008. Building on the ongoing dialogue with the United Nations in this regard, I urge these parties, in the framework of Security Council resolution 1612 (2005), to prepare without further delay action plans on the recruitment and use of children and to address all other grave violations against children.
3. I am also deeply concerned about the re-recruitment of children, due in part to insufficient reintegration support from earlier disarmament, demobilization and reintegration processes. In this regard, I urge all stakeholders, including relevant Government institutions, United Nations entities, NGOs and donors, to ensure that reintegration strategies are in line with the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups; that they are multisectoral and sustainable in the long term through provision of early, flexible and multi-year funding; that emphasis is placed on community-based approaches; that greater emphasis is placed on psychosocial dimensions of reintegration; that there are priority attention and resources for girls; and that there is an increased focus on livelihood support and youth-oriented employment strategies.

4. Recognizing the ongoing efforts to prevent and respond to sexual violence, I remain deeply concerned about the prevalence of such violations against girls and boys. I urge the Government, as a matter of priority, to adopt and implement a comprehensive national strategy to prevent, respond to and combat sexual violence. The United Nations and donors should continue to support the Government in the implementation of such a strategy, which could include such key areas as combating impunity, protection and prevention, security sector reform and multisectoral assistance for victims.
5. I welcome the commitment and efforts of the Government to fight impunity through the investigation and prosecution of crimes against children by the civilian and military justice sector. I urge a more systematic approach to such efforts, with emphasis on the independence of judicial institutions, and I welcome the integration of child-friendly procedures in the draft law on the protection of children. I also urge donors and the relevant United Nations actors to assist in ensuring enhanced capacity and technical expertise of judiciary officials and other relevant authorities in dealing with cases involving children.
6. I encourage the Government and donors to continue to include child protection in security sector reform efforts, including systematic training for military, police and other security personnel and the development of specialized capacity within their forces to deal with children as witnesses and victims of crime or as perpetrators, in line with the United Nations common approach to justice for children and other relevant standards.
7. I am deeply concerned about the allegations of recent LRA attacks and abductions in the Democratic Republic of the Congo. Within the context of a regional strategy to deal with LRA, I recommend that United Nations agencies and operations in the Democratic Republic of the Congo, Uganda and the Sudan develop a joint strategy to monitor and report on recruitment and other grave child rights violations by LRA.
8. I also encourage enhanced cooperation between the Government of the Democratic Republic of the Congo and other countries in the region, such as Rwanda, to ensure the successful repatriation and reintegration of children formerly associated with groups in the Democratic Republic of the Congo to their countries of origin. I urge all concerned to address the flow of children from neighbouring countries to armed groups in the Democratic Republic of the Congo. The international community should support these efforts, and I have requested my Special Representative for Children and Armed Conflict to facilitate dialogue on such cross-border concerns.
9. I call upon all parties to the conflict to continue to ensure that the protection of children is prioritized during the various phases of the Goma and Nairobi processes and that children's concerns are explicitly reflected in subsequent peace agreements. I also encourage the Government of the Democratic Republic of the Congo, with the support of the United Nations, to develop and establish appropriate institutional

arrangements to ensure that children are prioritized in the subsequent recovery and development phase.

C. Mission of the Special Representative of the Secretary General for Children and Armed Conflict to the Democratic Republic of the Congo 14 – 21 April 2009.

The SRSG visited the Democratic Republic of the Congo between 14-21 April at the invitation of the Government. The purpose of her visit was to ascertain first hand the situation of children and follow up on the Secretary General's report on Children and armed conflict in the Democratic Republic of Congo (S/2008/693), as well as on developments since her previous visit in March 2007.

Annexes:

(Annex I) - Press Release issued at the end of the SRSGs Mission to the DR Congo.

(Annex 2) – Conclusions on Children and Armed Conflict in the Democratic Republic of the Congo by the Security Council Working Group