

Input for the UPR on the Democratic Republic of the Congo
Office of the SRSG for Children and Armed Conflict
October 2018

Background

Armed conflict in the eastern Democratic Republic of the Congo (DRC) continues to take a heavy toll on children and the eruption of the crisis in the Greater Kasais in 2016 and 2017 has exponentially affected children. The year 2017 was devastating for the children in the DRC and the fragmentation of armed groups and shifting allegiances have posed challenges to the protection of children. In the East, children were most affected by Nyatura and Mayi-Mayi Mazembe activities in North Kivu, Rayia Mutomboki in South Kivu and the Force de resistance patriotique de l'Ituri (FRPI) in Ituri. In the Kasai region, Kamuina Nsapu recruited large number of children and destroyed an unprecedented number of schools. A large number of children associated with the militia were killed and maimed by the Forces armées de la RDC (FARDC) during operations aimed at addressing the threat posed by Kamuina Nsapu. The FARDC were responsible for almost half of the total number of child casualties in 2017, 70 per cent of which occurred in the Kasai region. The mobilisation of the Bana Mura militia to fight Kamuina Nsapu led to further violations against children.

In the first half of 2018, the majority of grave violations against children verified by the United Nations continued to be committed by a myriad of armed groups, with North Kivu remaining the epicentre followed by South Kivu, the Greater Kasais and Ituri. Mayi Mayi Mazembe, Kamuina Nsapu, FDLR and various Mayi Mayi groups were the main perpetrators. The recruitment and use, killing and maiming and abduction of children were the most verified violations in that period. Inter-ethnic violence in Ituri (Djugu Territory) earlier this year has also taken a heavy toll on children.

With regard to the national security forces, in addition to killing and maiming mentioned above, cases of sexual violence against children as well as attacks on schools and hospitals were attributed to the FARDC and the Police nationale congolaise (PNC) in 2017 and in the first half of 2018. Attacks on schools and hospitals included the partial or total destruction as well as the looting of facilities. Moreover, the detention of children, some as young as 8 years old, by the national security forces for their alleged association with armed groups and for periods ranging from one day to one year, continue to be of concern.

There has been some progress by the Congolese authorities in holding accountable perpetrators of underage recruitment and use and sexual violence against children. A number of investigations by the military justice authorities into leaders of armed groups and some FARDC officers are ongoing with MONUSCO's support while a few prosecutions and sentencing have happened.

Recommendations

- Welcome and encourage the continued progress made by the Government of the DRC in ending and preventing the recruitment and use of children in and by its armed and security forces by institutionalizing the gains of the Action Plan.
- Encourage further progress to end and prevent sexual violence against children, primarily through holding perpetrators into account and by the provision of adequate support and services to survivors.
- Urge the Government of the DRC to ensure accountability for the recruiters of children among all ranks of the FARDC as well as in armed groups in line with its domestic legislation and international obligations.
- Ask the Government of the DRC to hand over children detained for their alleged association with armed groups to civilian child protection actors and to treat them primarily as victims, in line with the Paris Principles that they endorsed.
- Call upon the Government of the DRC to facilitate access to adequate support and services, including medical assistance, quality education and psychosocial support, to children survivors of grave violations.
- Welcome the endorsement of the Safe School Declaration by the Government of the DRC in 2016 and urge the Government of the DRC to take all necessary measures to prevent attacks on schools and hospitals by the FARDC as well as the military use of schools in line with its commitments.
- Welcome the Government of the DRC's collaboration with the United Nations in this regard.