

Note to the Secretary-General

Visit to the Democratic Republic of the Congo 17 – 23 November 2013

1. I travelled to Kinshasa, Goma, Rutshuru and Beni in the Democratic Republic of the Congo (DRC) from 17 to 23 November 2013 to assess progress in the implementation of the Action Plan to end recruitment and use of children, as well as sexual violence signed on 4 October 2012. I also took this opportunity to assess ongoing trends of grave violations against children in light of the recent political and military developments in the east. During my mission I was accompanied by Ms. Barbara Bentein, UNICEF Country Representative, as well as by SRSRSG Kobler and DSRSRSG Wafy and I would like to express my appreciation for their support and cooperation throughout my mission.

2. In Kinshasa, I met with the Minister of Foreign Affairs, the Prime Minister, the Vice-Prime Minister and Minister of Defense, as well as with the Ministers for Gender, Justice and Human Rights. I also held meetings with the diplomatic community, MONUSCO senior leadership team, the United Nations Country Team and the Joint Technical Working Group on Children and Armed Conflict, co-chaired by the Government and the UN to oversee the implementation of the action plan. In North Kivu, I met with the Minister of Interior and held a joint meeting with the provincial Governor and the diplomatic community, as well as separate meetings with local authorities in Rutshuru and Beni.

3. I was pleased to note the strong Government's awareness of the children and armed conflict agenda, as well as more in general of the human rights challenges at such an important juncture of the pacification of the eastern Provinces. While the implementation of the Action Plan to end recruitment and use of children, has progressed significantly, challenges remain to ensure that the commitments made in the Action Plan translate into the end of violations across the board and at all levels of the national security forces. Directives have been issued by both the national army (FARDC) and the ANR (*Agence Nationale de Renseignement*) to disseminate instructions on separation and hand over of children associated with armed forces and groups and cooperation with the United Nations is positive and systematic. This progress notwithstanding, children continue to be unlawfully detained for alleged association with armed groups and on insurrectional charges, which demands the continued advocacy of MONUSCO and UNICEF to ensure that juvenile justice standards and fundamental human rights are always respected when children are involved. The *derapage* of a police operation in Kinshasa last week, which resulted in the reported death of 12 minors, is a sad yet clear example of the challenges ahead.

4. Following on to President Kabila's speech on 23 October in which he announced his intention to appoint a personal advisor on women and children affected by armed conflict in the DRC, I emphasised with government interlocutors the UN's appreciation

for this initiative and informed them that – together with SRSB Bangura – we looked forward to supporting the Government of the DRC in addressing sexual violence in conflict, as well as grave violations against children affected by armed conflict. In my exchanges with the Minister of Interior and the North Kivu Governor, I specifically requested their support in establishing provincial follow-up mechanisms for the implementation of the Action Plan (Joint Technical Working Groups at provincial level), which is needed also in light of MONUSCO's redeployment to the East.

5. All members of the Government highlighted to me the importance of the international community's support to ensure that the leaders of the M23 responsible for human rights violations are not granted amnesty or declared eligible to reintegrate the DRC national security forces. It is my view that we should continue to encourage regional States to adhere to the commitments made through the Addis Ababa Framework Agreement on Peace, Security and Cooperation in the Great Lakes, and address the issue of ex-M23 leaders currently hosted in their territories through international judicial cooperation. I remain very concerned by the confirmed presence in the DRC of foreign unaccompanied children, victims of the conflict and formerly associated with armed groups. Similarly, I am concerned by the presence of children formerly associated with armed groups in neighbouring countries, who have escaped during the latest military offensive against the M23. In this connection, it is essential that regional states cooperate in good faith in the superior interest of the child, by facilitating a safe and protected family reunification and reintegration in their communities. In this regard, it is my intention to engage representative of regional states in New York to voice my concerns and expectations.

6. Civil society representatives in North Kivu relayed a very positive perception of the role of MONUSCO and of the Intervention Brigade, as well as the expectation that this posture will also be used to address the threat posed by the remaining *negative forces*. However, they also expressed to me their concerns about the climate of impunity which continues to prevail in the country. Despite the good cooperation between the DRC justice authorities and the UNJHRO, numerous cases of gross human rights violations, which have been investigated by the United Nations have not moved forward. This is the case of the mass rape and other human rights violations in Bushani and Kalambahiro (2011), or the mass rapes in Walikale (August 2010) as well as several others. With the debate on the establishment of the mixed chambers, and the ongoing parliamentary review of the draft legislation, we must jointly and firmly encourage our Congolese interlocutors to seize this opportunity and take significant and visible steps towards addressing impunity of such egregious cases of human rights violations.

7. The recent surrender of the M23 and other armed groups presents a unique window of opportunity not only for children, but for the overall stabilization of Eastern DRC. It is however crucial that DDR measures be put in place immediately, and that eligibility criteria are clear. In this regard, I also emphasised to government interlocutors the importance that all armed groups are subject to the same conditions for their surrender and demobilization in particular with respect to amnesty and reintegration into the national security forces. While UNICEF is already providing child specific responses, the

Government of the DRC should further clarify its vision to allow the United Nations to best support the disarmament, demobilization and reintegration of combatants with alternative options to reintegrating the national security forces, as it is the case for the M23. In this connection, it is especially important that girls separated from armed groups are afforded adequate care including psycho-social assistance and vocational training to facilitate reintegration into their communities. In turn, the United Nations should enhance its efforts in sensitizing local communities, including through traditional leaders, to avoid stigmatization of children formerly associated with armed forces and groups.

8. On the other hand, I understand that the residual – yet not minimal - military threat against the civilian population posed by armed groups, such as the FDLR, the ADF and the numerous self-defense and Mai-Mai groups, continues and may require military responses. Recent information points to the high numbers of children present among the ranks of these groups (including an alarming number of abductions and cases of indoctrination of children by the ADF), and it is important that the United Nations consider this factor in developing its strategy on disarming these groups.

9. With respect to the functioning of the Country Task Force on Monitoring and Reporting (CTFMR), I had the opportunity to hold a fruitful discussion with the Country Team in Kinshasa, facilitated by the DSRSG/RC/HC. On that occasion we agreed on the need for the CTFMR and its co-chairs to work very closely with the Country Team as a whole to ensure UN ownership and coordinated responses to commitments made with the Government of the DRC.

10. Finally, in my meetings with the diplomatic community and “Friends of CAAC”, I appealed to sustaining the children and armed conflict agenda in their bilateral and multilateral interactions with the DRC authorities. I also advocated for continued donor support and encouraged the establishment of a pooled fund for the implementation of the Action Plan.

11. It is my overall assessment that the latest military and political developments in the DRC present a unique opportunity to improve the welfare of children affected by armed conflict. However, to do so it is essential that child protection concerns are placed firmly on the stabilization, reconstruction and peacebuilding agenda, as well as in the context of the dialogue with neighbouring countries. I look forward to continue to work closely with MONUSCO, UNICEF and Special Envoy Robinson in this endeavour.



Leila Zerrougui
3 December 2013

cc:

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