



**Briefing on the recruitment and use of children
in the Democratic Republic of the Congo (DRC)
to the UN Security Council Working Group on Children and Armed Conflict**

31 July 2014

About Child Soldiers International's work in the DRC

Child Soldiers International¹ has worked in the DRC for over 10 years, using research, advocacy and partnerships with a network of Kivu-based NGOs to promote strategies to prevent the recruitment and use of children. Its major activities in the last few years have included:

- A project to address and prevent the recruitment and use of child soldiers by Mai Mai militias. Research² was conducted with local NGOs and served to underpin advocacy with the DRC government.
- Successful dialogue with influential inter-ethnic community groups known as “Baraza” to promote their engagement in efforts to end children’s involvement in Mai Mai and other armed groups.
- The publication and dissemination of a booklet on the legal prohibition on child recruitment in the DRC.³ Thousands of copies (in French, Swahili and Lingala) have been used by partner NGOs engaging with armed group leaders to obtain the release of child soldiers.
- A program to promote the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) through reporting to the UN Committee on the Rights of the Child in 2011⁴ and the UN Security Council Working Group on children and armed conflict.⁵ Many of our messages were subsequently endorsed by the Committee in its recommendations to the Congolese government. NGO partners collaborated in the research and were involved in activities to build their capacity to monitor progress and advocate for OPAC implementation with the DRC authorities.
- Research on the needs of girls associated with armed forces and armed groups, and an assessment of the flaws in existing recovery and reintegration programs, with a view to implementing a two-year project on promoting appropriate assistance to recovery and reintegration for girls.

¹ Formerly known as the “Coalition to Stop the Use of Child Soldiers”, which became independent in 2011 as “Child Soldiers International”.

² Coalition to Stop the Use of Child Soldiers, *Democratic Republic of the Congo: Mai Mai Child Soldier Recruitment and Use: Entrenched And Unending*, February 2010: http://www.child-soldiers.org/research_report_reader.php?id=312.

³ Coalition to Stop the Use of Child Soldiers, *Respectons les lois pour protéger les enfants !* October 2009 : http://www.child-soldiers.org/francais_report_reader.php?id=632.

⁴ Coalition to Stop the Use of Child Soldiers, *Democratic Republic of Congo: OPAC Shadow Report to the Committee on the Rights of the Child*, April 2011: http://www.child-soldiers.org/research_report_reader.php?id=289.

⁵ Coalition to Stop the Use of Child Soldiers, *Briefing note to the UN Security Council Working Group on Children and Armed Conflict*, 3 February 2011: http://www.child-soldiers.org/research_report_reader.php?id=325.

Summary of progresses and concerns on child recruitment and use in the DRC

Notable steps have been taken to end the use of child soldiers in the DRC armed forces since the last report⁶, but child recruitment incidents increased significantly in 2012 due to renewed conflict in the east and they have remained high since. The main perpetrators are armed groups (Congolese and foreign). Worryingly, boys and girls were also recruited into the national armed forces (FARDC) in 2012-2013, including through integration. In addition, in late 2013 the armed forces and intelligence services detained and interrogated large numbers of children suspected of association with armed groups in violation of government policy. Re-recruitment is common due to the recurring nature of armed conflict and armed group mobilisation, as well as ongoing weaknesses in reintegration assistance programmes. These remain vastly under-funded and too scarce to accommodate demand – especially after the defeat of the “M23” and the subsequent surrender of many armed groups swelled the numbers of demobilised child soldiers. Although girls are still recruited and used in great numbers, securing their release from armed forces and groups, identifying them after they are abandoned by armed groups, or encouraging them to come forward for assistance remains a significant challenge. As a result, a huge proportion of girls and their children are unable to benefit from assistance to recovery and reintegration. Meanwhile, the crimes of recruitment and use of children have remained entirely unpunished by Congolese justice.

Progress

- Signature, in October 2012, of the **Action Plan** to end the recruitment and use of children as well as other grave violations against children by the Congolese armed and security forces.
- Subsequent establishment⁷ of a **Joint technical working group** (government – UN – NGOs) to coordinate the implementation of the Action Plan from Kinshasa; creation in June 2014 of the subsidiary Joint technical working group in South Kivu.⁸
- Notable **improved access** of child protection agencies to military sites and detention facilities for identifying and releasing children, and **improved cooperation** from military authorities in the screening of armed groups for the same purpose. In the last six months of 2013, this resulted in the separation of 2,894 children from armed forces and armed groups, including 365 girls.
- Start of the **dissemination of the Action Plan** among members of the armed forces: in March 2013 about 50 FARDC commanders received training on the commitment and objectives of the Action Plan and in April 2013 in Katanga, 3,450 new FARDC recruits received a similar training.
- May 2013 **Ministry of Defence directive**⁹ prohibiting FARDC from, among other abuses, recruiting children and detaining them for association with an armed group, warning that severe disciplinary and penal sanctions will be taken against those who breach the orders.

⁶ UN Secretary-General, *Report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of the Congo* (S/2010/369), 9 July 2010: <http://www.un.org/Docs/journal/asp/ws.asp?m=S/2010/369>

⁷ By letter VPM/MDNAC/CAB/2088/2012, 3 November 2012 issued by the Deputy Prime Minister and Minister of Defence and Veteran Affairs.

⁸ By letter VPM/MDNAC/CAB/12621/2013, 18 July 2013 issued by the Deputy Prime Minister and Minister of Defence and Veteran Affairs.

⁹ Directive no. VPM/MDNAC/CAB/0909/2013 on the implementation of the Action Plan, 3 May 2013 issued by the Minister of Defence and Veteran Affairs.

- May 2013 **National Intelligence Agency directive**¹⁰ ordering its agents to release any children held for suspected association with armed groups, to transfer them to child protection agencies.
- Appointment of a **Presidential Adviser** on Sexual Violence and Child Recruitment in July 2014, nine months after the President announced the creation of this post in his speech to the nation.
- A February 2014 **amnesty law** concerning acts of insurrection, war and political offences committed during the period 18 February 2006 – 20 December 2013 specifically excludes a set of international crimes including child recruitment.

Setbacks

However, there have been some serious setbacks since 2010, in particular since conflict reignited in eastern DRC in April 2012, resulting in a **sharp increase in recruitment of children and their use in hostilities by a host of armed groups**. In October 2013, MONUSCO reported having documented 996 cases of child recruitment by armed groups in the period January 2012 – August 2013¹¹, warning that due to security and access issues it cannot present a comprehensive picture of the phenomenon. Groups recruiting and using children in 2012-2013 included the new, so-called “M23” but also many existing armed groups (Congolese and foreign) taking advantage of the redeployment of the FARDC attempting to contain the “M23” to extend their area of influence.¹²

In addition, in its efforts to address the security threat posed by the “M23”, the government failed in its duty to prevent the association of children to the armed forces:

- Procedures were not sufficiently robust to prevent the **voluntary enlistment of minors** during a 2012-2013 recruitment campaign targeting 18-25 year-olds to “rejuvenate” the FARDC in summer 2012. Hundreds of children were thus enrolled.
- The government provided **support to armed groups known to recruit and use children**. According to MONUSCO, “the fact that the FARDC cooperates and fights along militias having children in their ranks constitutes a violation of their commitment to end and prevent child recruitment as enshrined in the Action Plan”¹³.
- The integration of some armed groups into the armed forces was not always preceded by rigorous screening, with the result that **boys and girls integrated into the FARDC**.

Trends in child recruitment incidents (by armed forces and armed groups), as documented by the UN for 2011-2013, reflect these setbacks, with 767 cases in 2011; 1,293 in 2012; and 1,023 in 2013.¹⁴ Although not the worst perpetrator, the FARDC unlawfully enlisted under-18s in 2013 and was accordingly listed for child recruitment and use by the Secretary-General for the 11th consecutive year.

¹⁰ Directive 05/00/CAG/ANR/194/2013 on the detention of minors for suspected association with an armed group and/or negative force, 3 May 2013.

¹¹ MONUSCO, *Child Recruitment by Armed Groups in DRC from January 2012 to August 2013*, October 2013: <http://monusco.unmissions.org/LinkClick.aspx?fileticket=DazRcHfpAJo%3d&tabid=10701&mid=13689&language=en-US>

¹² For a list of the most egregious perpetrators, see MONUSCO, *Child Recruitment by Armed Groups in DRC from January 2012 to August 2013*, page 6.

¹³ MONUSCO, *Child Recruitment by Armed Groups in DRC from January 2012 to August 2013*, page 9.

¹⁴ *Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2014/453)*, 30 June 2014: <http://reliefweb.int/sites/reliefweb.int/files/resources/N1443195.pdf>, paragraph 23.

New and ongoing concerns

Action Plan implementation and monitoring

- The implementation of the Action Plan has been very **slow and piecemeal**. It is hampered by **insufficient funding** and suffers from **poor communication** between Kinshasa and the affected provinces, as well as between government and other partners.
- NGOs have consistently raised the issue of the **UN's insufficient capacity to verify incidents** using UN standards of verification. MONUSCO has also cited access and security concerns as constant obstacles to verification. According to NGOs, this is resulting in potentially severe **under-reporting**.

Prevention

- Recruitment procedures are not yet sufficiently rigorous to prevent the voluntary enlistment of minors into the FARDC, primarily because they **lack proof of age due to low birth registration**. Under the Action Plan, the government committed to strengthening birth registration and age determination procedures, but there are reports that **physical/medical examinations are used** to determine the age of candidates. These not only raise ethical concerns but are also unreliable.
- Although there have been repeated political commitments to achieve a child-free army, there are ongoing reports that individual commanders continue to recruit children – sometimes forcibly – for military purposes. This is often owed to **ignorance of existing instructions**, with many commanders still not aware of the existence and content of the Action Plan and the May 2013 directive from the Ministry of Defence. Other times, **weak command and control** within the FARDC allows commanders to actively disregard orders as they operate on the frontline and in remote areas devoid of scrutiny. It was reported that some commanders hide children – including girls – during screening processes.
- There are ongoing reports that **community elders, parents and teachers encourage children to join armed groups** or self-defence militias, pointing to the need for more large-scale awareness-raising campaigns and dialogues within communities in areas where armed groups are present.

Response

- There are ongoing reports about the **arrest, detention and interrogation of children** suspected of association with armed groups by the Congolese armed forces and National Intelligence Agency, in violation of the May 2013 directives. According to the Secretary-General's report, 93 children were arrested by FARDC in Katanga, North Kivu, South Kivu and Orientale Province as recently as March-November 2013.¹⁵
- Despite international legal obligations to ensure that children are released from armed forces and groups and provided with "appropriate assistance" for their recovery and social reintegration, the **government plays a very limited role in "DDR" provision for children**; the bulk of this work is carried out through UN- and NGO-led programmes.¹⁶ The government has consistently failed

¹⁵ *Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo*, (S/2014/453), 30 June 2014: <http://reliefweb.int/sites/reliefweb.int/files/resources/N1443195.pdf>, paragraph 32.

¹⁶ MONUSCO leads on the identification and release of child soldiers from armed forces and groups, while UNICEF coordinates assistance and reintegration, which are carried out mainly by a small number of NGOs. The national agency in charge of "DDR", the UEPN-DDR, focuses on documentation when it comes to children.

to develop and implement an effective national strategy for child “DDR” and programmes that do exist remain **under-resourced and inadequate** to the scale of the problem, particularly with thousands of children recently demobilised.¹⁷ This undermines the durable reintegration of children into their communities. This situation seems likely to continue with the roll out of the new national disarmament, demobilisation and reintegration strategy adopted in December 2013 (“DDR III”).

- **Girls continue to be invisible** as effective action has yet to be taken to recover them systematically from the armed groups in which they are trapped, often due to the fact that they are considered as ‘wives’ or dependents, and have children born in the ranks. In addition, shame and the fear of exclusion prevent many girls from identifying themselves as former child soldiers – whether they escaped, were officially demobilised, or were abandoned by armed groups.¹⁸ As a result, a great proportion of **girls do not benefit from recovery and reintegration assistance**. Little demonstrable action has been taken to overcome the factors that limit their access to assistance.

Accountability

- The conviction of Thomas Lubanga Dylo by the Trial Chamber of the International Criminal Court in March 2012 and the surrender of Bosco Ntaganda in May 2013 constitute positive developments towards accountability for the crimes of child recruitment and use. However, **at the national level there has been no conviction for child recruitment or use** of members of armed forces or groups.
- Despite the initiation of some investigations, and the issuance of some arrest warrants to individuals suspected of child recruitment and use, impunity prevails due to **lack of political will** combined with **lack of capacity** on the part of investigating and prosecuting authorities, and also **lack of awareness** of the crime of child recruitment contained in the 2009 Child Protection Code.
- **Integration of armed groups into the national armed forces** continues to undermine accountability, because of the lack of any effective vetting and screening of suspected perpetrators of grave violations of human rights and humanitarian law, including recruitment and use of children. As noted by MONUSCO, “the process of open ended integration of armed groups into the FARDC remains an obstacle to ensuring accountability of perpetrators of child rights violations.”¹⁹

Recommendations

Much more needs to be done to prevent child recruitment and re-recruitment, improve assistance to former child soldiers, especially to girls, and fight impunity. The current context – in which some armed groups are surrendering or being defeated and the government is regaining control of vast swathes of the eastern territory – offers an important opportunity to implement many prevention measures enshrined in the Action Plan, envisage a major overhaul of recovery and reintegration assistance programmes for children, and hold perpetrators of child recruitment accountable.

¹⁷ The “DDR III” estimates that 3,663 children will be separated from armed groups and need assistance.

¹⁸ In part due to improved awareness on the prohibition of child recruitment, armed groups that plan to disarm have started to abandon all the girls in their ranks prior to surrender. The girls and their children find themselves left to their own devices in sometimes very remote areas.

¹⁹ MONUSCO, *Child Recruitment by Armed Groups in DRC from January 2012 to August 2013*, page 18.

To the government of the DRC:

- **Disseminate the Action Plan and the directive** from the Ministry of Defence to all members of the Congolese armed and security forces – including those deployed in remote areas and abroad in peacekeeping forces, as well as to all civilian staff involved in army recruitment;
- **Promptly establish the remaining provincial Joint technical working groups** to speed up the implementation of the Action Plan; **improve communication and coordination** between the Kinshasa and provincial working groups; issue regular periodic reports on the implementation of the Action Plan and share them with partners;
- **Strengthen birth registration** in accordance with Article 7.1 of the Convention on the Rights of the Child stating that every child must receive identity documents at birth. The government should ensure that registration is free in practice, that appropriate infrastructure is in place at local levels to register the birth of all children, and – through awareness raising campaigns – that the population is made aware that births must be registered;
- **Ensure that all disarmament, demobilisation and reintegration programmes and security sector reform take into account the specific needs of children affected by the armed conflict** and the protection of their rights and that the FARDC establish effective recruitment procedures and age verification measures to prevent underage recruitment;
- **Train all military and civilian staff in charge of recruitment in age verification procedures;** instruct them that in case of doubt over an individual’s age, candidates should not be recruited. Mechanisms should depend on more than one form of documentation or approach, all of which should cumulatively provide objective proof of age. Methodologies involving medical or physical assessment (e.g. dental examinations) raise ethical concerns and are not sufficiently reliable to determine age;
- **Independently monitor military recruitment** to ensure that recruitment practices comply with national laws relating to the minimum age for recruitment;
- **Systematically screen all FARDC units**, in the DRC and abroad, to identify and release all children, in coordination with child protection agencies. Grant access to UN and child protection actors to all military sites for verification;
- **Take all the necessary measures to ensure that no children are recruited by armed groups**, as recommended by the Committee on the Rights of the Child;²⁰
- **Systematically and thoroughly screen all surrendering armed groups.** Peace efforts should under no circumstances lead to the integration of armed groups into the FARDC without their prior screening to identify and demobilise any children that may be in their ranks. To be effective, screening processes should rely on rigorous age verification methods and always be conducted in collaboration with child protection agencies. A special effort should be made to separate girls, who are more difficult to identify and sometimes deliberately concealed;
- **Ensure that no amnesty or de facto impunity is given to perpetrators of child recruitment** in line with the provisions of the February 2014 Amnesty Law as well as in the context of integration of armed groups in the armed forces; establish an effective vetting mechanism to ensure that no suspected perpetrator of grave violations of children’s rights is integrated or otherwise recruited into the armed and security forces of the DRC;

²⁰ Committee on the Rights of the Child, *Concluding observations: Democratic Republic of Congo (CRC/C/OPAC/COD/CO/1)*, 3 February 2012, page 7.

- **End any military, financial or logistical support to armed groups suspected of recruiting or using children** or committing other human rights abuses, as recommended by the Committee on the Rights of the Child;²¹
- **Launch a national awareness-raising campaign on the prohibition of child recruitment**, targeting members of the armed and security forces, communities and schools, as requested by the Action Plan and envisaged in the “Children Not Soldiers” campaign endorsed by the DRC government;
- **Ensure that children are not arrested, detained or interrogated on the sole basis of their association with an armed group** by disseminating widely the May 2013 directives; ensure that captured child soldiers are always treated in accordance with international human rights and humanitarian law and promptly handed over to child protection actors;
- **Adopt standard operating procedures for the immediate transfer of children** escaped, captured or released from armed groups to competent state social services, child protection actors or relevant international bodies; **establish child protection units** within armed and security forces, as required by the Action Plan;
- As recommended by the Committee on the Rights of the Child, “**rebuild an effective and adequately funded national reintegration strategy for child soldiers**”. In particular:
 - “Conduct a mapping of existing initiatives and available funding; an evaluation of current and past initiatives and a full needs assessment of the nature, scope, duration, funding and expertise needed for the provision of “appropriate assistance” to former child soldiers”;
 - “As a matter of priority, develop and implement in collaboration with [UN] and child protection actors a strategy to identify and provide effective reintegration assistance to current and former girl soldiers and their children, which meet their complex medical, economic and psychosocial needs; Every effort should be made to ensure these initiatives, and any resulting programmes, do not increase the stigma and exclusion faced by former girl soldiers”;
 - “Ensure without any further delay that consistent and sustainable budget allocations are made to provide child survivors of sexual violence with immediate compensation, psychological support and health care”;
 - “Significantly increase support for reintegration and recovery measures, ensure they are accessible in affected regions and develop multi-disciplinary assistance programs”;
 - “Ensure that child soldiers, parents and communities are involved in the design and evaluation of reintegration projects”;
- **Adopt without delay the necessary implementing decrees to the Child Protection Code** and provide training to the military and civilian judiciary on the Child Protection Code;
- **Prioritise criminal investigations and prosecutions** of individuals suspected of recruiting or using children in hostilities, including through the provision of adequate resources for investigations and prosecutions. Regularly publish information on the number of prosecutions and convictions for recruitment and use of children in armed conflict;
- **Establish an independent, accessible and confidential complaint mechanism** for cases of recruitment and use of children, as requested by the Action Plan.

²¹Committee on the Rights of the Child, *Concluding observations: Democratic Republic of Congo (CRC/C/OPAC/COD/CO/1)*, 3 February 2012, page 7.

To the UN and the international community:

- **Dedicate adequate resources to supporting the implementation of the Action Plan**, including for the long-term monitoring of the effectiveness of the measures taken by the government;
- **Strengthen the capacity of MONUSCO to document and verify child rights violations** to improve reporting and allow for a thorough review of the implementation of the Action Plan;
- **Support and advise the government in the review and reform of the recruitment practices** aimed at preventing recruitment and use of children, in particular with the development of effective and ethical age verification mechanisms; Support capacity building of the FARDC through rolling out child protection training;
- **Support the government in accelerating progress towards universal birth registration;**
- **Carry out regular visits** to military sites, training centres, detention facilities and other places where children associated or formerly associated with armed forces or groups may be present, for both identification and verification purposes;
- Allocate sufficient resources and capacity to **support the government in developing and implementing an effective national reintegration strategy for child soldiers;**
- Ensure that support to **security sector reform** in DRC serves to strengthen the prevention of child recruitment and use.