

## UNIVERSAL CHILDREN'S DAY

### **Time to take strong measures to protect children from armed conflict in the DRC**

20 November 2014 – Twenty-five years after the UN General Assembly adopted the *Convention on the Rights of the Child* (CRC), ratified by the Democratic Republic of Congo (DRC) in 1990, Child Soldiers International and the Jesuit Refugee Service remain concerned by widespread abuses committed against children by armed forces and armed groups. Although significant progress has been made to protect children from armed conflict in the DRC, there is still a long way to go to prevent the recruitment of children, improve assistance to former child soldiers, and end impunity.

On this anniversary, we urge the Congolese government to translate its international obligations, and the commitments it has made since 1990, into effective prevention and protection for children.

On a daily basis, children continue to suffer abuse at the hands of the many national and foreign armed groups that destabilise the eastern provinces of the DRC. The national armed and security forces are also responsible for child rights violations. As recently as September 2014, the UN Security Council Working Group on children and armed conflict strongly condemned “all violations and abuses that continue to be committed against children” by all parties to armed conflict in the DRC, including the recruitment and use of children, the detention of children for alleged association with an armed group, and sexual violence against children.

In a report submitted to the Working Group in July 2014, Child Soldiers International expressed its particular concern regarding assistance given to former child soldiers in the DRC, arguing that existing programs are too scarce and too short to meet current needs. Furthermore, although girls are still recruited and used in large numbers, they continue to be invisible, often trapped in armed forces and groups because they are perceived primarily as “wives” and mothers. Shame and the fear of exclusion pushes many of them to actively avoid assistance.

Many of the recommendations made by the Committee on the Rights of the Child in February 2012 have not yet been implemented and were reiterated by the Security Council Working Group in September 2014. We therefore call on the DRC government, which bears the primary responsibility for implementing the CRC and its optional protocols, and thus for protecting children affected by armed conflict, to continue to make the necessary efforts to honour its commitments and fully implement the UN's recommendations on the issue of child recruitment and use by armed forces and armed groups on its territory. In particular, we urge the DRC government to:

- Distribute the Action Plan and Directive of the Ministry of Defence to all members of the armed and security forces as well as all civilian personnel involved in military recruitment;
- Promote birth registration, in accordance with Article 7.1 of the CRC, and establish effective age verification mechanisms to prevent the recruitment of minors;
- Continue to provide child protection agencies access to all military sites for verification purposes;
- Adopt standard operating procedures for the immediate transfer of children escaped, captured or released from armed groups to child protection agencies and relevant social services;

- Create child protection units within the armed and security forces of the DRC, as required by the Action Plan;
- Prohibit the detention of minors for association with an armed group, on the principle that these children should be treated primarily as victims;
- Ensure that any security sector reform program takes into account child protection and child rights, as well as the specific needs of children affected by armed conflict;
- Systematically screen all surrendering armed groups to ensure that no minor is integrated into the national armed forces;
- Ensure that perpetrators of child recruitment do not receive amnesties and are not integrated into the armed and security forces of the DRC;
- Integrate child protection provisions – including on the release and reintegration of children – into peace negotiations and ceasefire agreements;
- Conduct swift, systematic and impartial investigations into allegations of child recruitment and use, and bring perpetrators to justice;
- Conduct research to understand the causes of recruitment and re-recruitment of children, and, based on the results, develop and implement a national strategy for sustainable reintegration of former child soldiers. Such a strategy should:
  - Be multidisciplinary and adequately funded;
  - Be accessible to children in all provinces affected by the conflict;
  - Identify girls and their children and provide them with assistance that meets their specific needs without stigmatising them;
  - Involve children, parents and their communities in its elaboration;
  - Provide educational and livelihood opportunities to all children within the community rather than to former child soldiers only, because all children are at risk when the community is vulnerable.

## **Background information**

Decisive steps were taken to eradicate the “child soldiers” phenomenon in the DRC since the country has ratified the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* in November 2001. In doing so, the government set the minimum age for recruitment to 18 years, and committed to taking all possible measures to prevent the recruitment and use of children by armed groups on its territory.

But in February 2012, the Committee on the Rights of the Child regretted that “little observable progress” had been made, and asked the Congolese government to “show greater commitment to abide by its obligations under the Optional Protocol.” To this end, the Committee articulated detailed recommendations to the government to accelerate the implementation of the Optional Protocol.

More specific commitments have been made since. In October 2012, the government signed the Action Plan to end the recruitment and use of children as well as other grave violations of children’s rights. In May 2013, the Ministry of Defence adopted a directive to implement the principles of the Action Plan, and the National Intelligence Agency adopted a directive prohibiting the detention of children for alleged association with an armed group. Additional encouraging commitments include the exclusion of serious crimes against children – including the recruitment and use of children – in the Amnesty Law of 11 February 2014, and the appointment of a Presidential Advisor on child recruitment and sexual violence on 14 July 2014.

However, in September 2014, the Security Council Working Group on children and armed conflict expressed concerns about “continued violations and abuses against children and about the lack of accountability.” Expressing concern about “continued violations committed against children by the national armed and security forces,” the Working Group urged the government to “swiftly, fully and effectively implement the Action Plan.” To armed groups active in eastern DRC the Working Group addressed a long list of demands, including the immediate and unconditional release of all children in their ranks.

The following groups are among national and foreign armed groups using child soldiers in the DRC: the FDLR (*Forces démocratiques de libération du Rwanda*), Mai Mai groups including the APCLS (*Alliance des Patriotes pour un Congo Libre et Souverain*), the FPRI (*Forces de résistance patriotique en Ituri*), the ADF-NALU (Allied Democratic Forces – National Army for the Liberation of Uganda) and the LRA (Lord’s Resistance Army).

For more information:

UN Security Council Working Group on children and armed conflict, *Conclusions on children and armed conflict in the Democratic Republic of the Congo* (S/AC.51/2014/3), 18 September 2014:

[http://www.un.org/ga/search/view\\_doc.asp?symbol=S/AC.51/2014/3&Lang=E&Area=UNDOC](http://www.un.org/ga/search/view_doc.asp?symbol=S/AC.51/2014/3&Lang=E&Area=UNDOC)

Child Soldiers International, *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: [http://www.child-soldiers.org/research\\_report\\_reader.php?id=778](http://www.child-soldiers.org/research_report_reader.php?id=778)

Committee on the Rights of the Child, *Concluding Observations: Democratic Republic of Congo* (CRC/C/OPAC/COD/CO/1), 7 March 2012: <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPAC-COD-CO-1.pdf>