



Office of the Special Representative
of the Secretary-General for

CHILDREN AND ARMED CONFLICT



MISSION REPORT

Visit of the Special Representative for
Children & Armed Conflict to the

The Democratic Republic of the Congo (DRC)

14-21 April 2009

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1- PURPOSE OF THE VISIT TO THE DRC



The visit of the Special Representative was undertaken in the framework of Security Council resolution 1612 (2005) on children and armed conflict, and on the basis of the recommendation of the Secretary-General (S/2008/693).

The primary purpose of the visit was to assess first-hand the situation of children in the Democratic Republic of the Congo and to follow-up on the implementation of key elements of the Security Council resolutions on children and armed conflict and relevant conclusions of the Security Council Working Group on Children and Armed Conflict.

The Special Representative met with Government officials and FARDC Military Command, MONUC and the UN Country Team, NGOs and other civil society, and children and young people themselves, in Kinshasa, Goma, Bukavu, Masisi and Dungu.

The Special Representative wishes to thank the Government of the Democratic Republic of the Congo for its invitation, as well as the Special Representative of the Secretary-General for the Democratic Republic of the Congo and MONUC, UNICEF and other members of the United Nations Country Team for their substantive and logistical support for the visit.

2. COMMITMENTS BY THE GOVERNMENT

- I. Government (Minister for Defense) and FARDC Military Command (Army Chief of Staff) committed to entering into dialogue with the United Nations for the preparation of a time-bound Action Plan for the prevention of child recruitment and identification and release of those children already present in integrated FARDC brigades, in the framework of Security Council resolutions 1539 (2004) and 1612 (2005).
- II. Government (Minister for Defense; Minister for Justice) and FARDC Military Command (Army Chief of Staff) committed to ensuring further efforts to combat impunity for grave violations, including through systematic investigation and prosecution and ensuring that perpetrators do not escape justice.
- III. Government (Minister for Defense) and FARDC Military Command (Army Chief of Staff) committed to issuing a directive to all FARDC commanders to respect International Humanitarian Law, and reaffirming that they would be held accountable for grave violations committed against children and other civilians.
- IV. FARDC Military Command (Army Chief of Staff and Commander for the East) agreed to facilitate the access of MONUC and UNICEF to the rapid integration process of CNDP and FARDC in South Kivu for systematic identification and release of children.
- V. Government (Minister for Justice) committed to formally writing to his counter-part in the Ministry of Defence to stress the responsibility of the Democratic Republic of the Congo under international law regarding the recruitment and use of children.
- VI. Government (Minister for the Interior) committed to instituting specialized units of the National Police to deal with crimes of sexual violence against women and children
- VII. Government (Minister for Gender and Social Welfare) committed to ensuring national ownership and lead in the implementation of the Comprehensive National Strategy on Sexual Violence.



3. CRITICAL THEMES AND RECOMMENDATIONS

3.1 Children associated with armed forces and groups

Since January 2009, 1,617 children have been separated in the accelerated integration of CNDP and other armed groups into the FARDC in North Kivu. However, there are grave concerns that many children have passed through into the ranks of the newly integrated brigades, and that there has also been some new recruitments of children by integrated FARDC troops in the Kivus, Katanga and the two Kasais. A similar rapid integration process is now about to begin in South Kivu. Even as there are concerns of children passing through into the ranks of the integrated brigades in the South Kivu integration, it should be recognized that the process represents a unique opportunity to systematically identify and release children.



Recommendations

- **The Government and FARDC Military Command must act with immediate effect to implement the commitment to prepare an Action Plan on recruitment and use of child soldiers as stipulated by the Security Council in resolutions 1539 and 1612 on children and armed conflict. Such an Action Plan will entail specific measures to prevent recruitment and use of children, identification and release of all children associated with their armed forces, and access for child protection actors for on-going monitoring and verification.**
- **In North Kivu, authorities must allow access of MONUC and UNICEF to all integrated brigades for monitoring and verification of the presence of children and release of all children associated with integrated brigades.**
- **In the South Kivu rapid integration process due to commence shortly, authorities must guarantee that MONUC, UNICEF and child protection partners are part of the process and have free access to the children.**
- **MONUC should continue to lead on these various aspects of the dialogue for implementation of commitments, in coordination with UNICEF and other child protection partners.**

3.2 Protection of civilians in the Kimia 2 operation

There continue to be serious concerns for the protection of civilians in the pursuit of Kimia 2 operation, including the killing and maiming of civilians during the course of operation, as well as reprisals against communities by FDLR. Similar military operations in the North led to massive internal displacement and it is projected that Kimia 2 will also lead to significant displacement of the population. There are also concerns of the direct involvement of children on the front-lines, both as members of integrated FARDC brigades as well as children associated with FDLR. The support of MONUC to FARDC including the joint operations foreseen under Kimia 2, must be considered in light of these concerns and in the context of grave human rights violations for which FARDC has and continues to be cited. This includes specific information on recruitment and use of children, killing and maiming of children and sexual violence which is being gathered through the Security Council monitoring and reporting mechanism under resolution 1612.

Recommendations:

- **Continued and concerted advocacy with the Government and FARDC Military Command to ensure that the protection of civilians is the first priority in the Kimia 2 military operations.**
- **MONUC should be requested to implement conditionalities for its support to FARDC on the basis of human rights violations such as the recruitment and use of child soldiers and grave sexual violence, and withhold support to specific FARDC units accordingly.**

3.3 Sexual violence

Sexual violence remains one of the most critical concerns, devastating the lives of thousands of women and girls. There are credible reports of widespread incidents of rape and other sexual violence being committed by all parties to the conflict. It is clear that the numerous efforts of the government and the international community to address this issue are not yet adequate to stem

the tide of violations. UN agencies and NGOs are implementing a broad range of programmes but there is still inadequate coordination of these efforts. This is exemplified by the lack of consensus among UN agencies and NGO partners regarding the Comprehensive National Strategy on Sexual Violence recently prepared under the leadership of MONUC. There is also a critical lack of government ownership of the national strategy. Better coordination and continued focus on fighting the impunity of perpetrators are crucial.

Recommendations

- **All the key stakeholders, including UN agencies and NGOs, should agree and implement the Comprehensive National Strategy on Sexual Violence as a matter of priority.**



- **President Kabila should appoint a Special Envoy on sexual violence in the Presidency to ensure national ownership and lead of the comprehensive strategy. The President should also issue a strong public statement against sexual violence**
- **Support should be given to on-going efforts to develop mechanisms to assess needs of victims of sexual violence, including possible reparations and remedies.**

3.4 Impunity

Impunity for grave human rights violations continues to undermine the possibility of durable peace. Although the Government has taken some positive steps to investigate and prosecute violators under national law, such efforts need to be more systematic and include high profile perpetrators. In this regard, some good initiatives have been taken in the military justice sector by the *Auditeurs Militaires* of South Kivu. However, there have been some high profile cases of perpetrators convicted under national law, who have not only escaped justice but have even been promoted in the FARDC. Jean-Pierre Biyoyo, recently promoted to the rank of Colonel in the FARDC, is a case in point. Representatives of civil society and of the Children's Parliament stressed the need to combat impunity as their central concern.

Recommendations

- **The Government must ensure rigorous investigation and prosecution of human rights violations and must be seen to hold perpetrators accountable. Suspected perpetrators of grave child rights violations should not be reassigned, especially in locations where the supposed abuse and violence have taken place**
- **Additional support and resources by Government and donors should be made available for institutional justice mechanisms such as *Auditeurs Militaires***

3.5 Regional dimensions of the conflict and cross-border concerns

The regional and cross-border dimensions of the conflict carry significant implications for children. This includes the recruitment of children from neighboring countries, and the issue of repatriating children demobilized from fighting groups in Congo to their countries of origin. Reported attacks by groups such as the Lords Resistance Army (LRA) in Dungu in the Province Orientale, is also of great concern. Close to 1000 people have been killed and nearly 300 children abducted since September 2008 in this area, in attacks by the LRA.

Recommendations

- **Cross-border frameworks of cooperation and information exchange must be established and enhanced to address these concerns, both among UN actors and NGOs, as well as at the level of inter-Governmental cooperation.**
- **In Haut Uele, Province Orientale, the Government should enhance the presence of security forces, including National Police, in order to protect the civilian population from further attacks from the LRA.**

3.6 Reintegration and services for IDP children

It should be noted that since 2004, it is estimated that more than 31,000 children have been released in by parties to the conflict in DRC. It is believed that at least 3500 children remain in armed groups despite the commitments made by many to address this issue. Therefore, the reintegration of children into their families and communities remains a critical priority for the peace process. UNICEF and other child protection partners have stressed that there are significant gaps in reintegration funding, especially due to the large numbers of children recently released. At the same time, the



IDP situation in eastern DRC remains one of the worst humanitarian crises in the world, with more than half of IDPs being children living in dire circumstances.

Recommendations

- **Donors should commit to multi year funding in line with the Paris Principles to ensure sustainability of child reintegration programmes, and that such resource commitments are flexible and delivered early.**
- **Additional financial support should also be provided to ensure services for children including provision of emergency education and child-friendly spaces and activities in IDP camps and settlements.**

3.7 Implementation of children's provisions in the peace processes

Even as the process has faltered, it is critical that all parties continue to ensure that the protection of children is prioritized explicitly in the various agreements, and that appropriate institutional arrangements are established to ensure that children are prioritized in subsequent recovery and development phase. Implementation of such provisions for children is critical to putting an end to the cycles of violence and instability.

Recommendation

- **The Goma and Nairobi peace agreements contain specific provisions for children and these should be implemented as a matter of priority**