



Children and Armed Conflict in the Democratic Republic of Congo (DRC): Status of implementation of the 2012 action plan to end and prevent recruitment and use of children by the Congolese armed forces (FARDC)

Source: Association de Jeunes pour le Développement Intégré – Kalundu (henceforth « **Ajedi-Ka** »), www.ajedika.org

Ajedi-Ka was founded in 1988, to advance three project areas: poverty alleviation, the environment, and child soldiers. Following the DRC's 1998 war, the organization decided to focus all its attention on child soldiers, thus creating Ajedi-Ka/Projet Enfants Soldats (PES) that same year. Ajedi-Ka/PES works closely with UNICEF and MONUSCO's child protection section on the monitoring and reporting of the six grave violations perpetrated against children as defined by Security Council resolutions 1612, 1882 and 1998. Ajedi-Ka was appointed as the MRM's focal point for the southern part of South Kivu province, encompassing Fizi, Uvira and Mwenga territories, as well as part of the Itombwe forest. As the MRM's focal point, they monitor the implementation of the 4 October 2012 action plan signed by the DRC government and the UN.

1. The DRC Action Plan

On 4 October 2012, the DRC government signed an action plan¹ with the UN, represented by the Special Secretary Representative of the Secretary-General for the DRC Roger Meece, to end and prevent the recruitment and use of children, as well as other grave violations, most notably rape and other forms of sexual violence by the Congolese armed forces. The action plan contains **a list of concrete commitments** which must be implemented by both signatory parties, i.e. the Congolese armed forces and the international community, represented by the UN, within a **clearly defined time period**².

The commitments can be grouped into the four categories, for which we highlight some of the key actions which the signatory parties must take:

- 1) The identification and release of children from the armed forces:
 - Allow for the unconditional access for child protection actors to detention centers, recruitment centers, and military hospitals for the identification and immediate release of minors present; monitoring of, and reporting on occurrence of additional grave violations.
- 2) Programmatic Response:

¹Plan d'action pour la lutte contre le recrutement et l'utilisation d'enfant ainsi que les autres violations graves droits de l'enfant par les forces armées et les services de sécurité de la République Démocratique du Congo entre le Gouvernement de la République Démocratique du Congo et l'Equipe Spéciale des Nations Unies sur les enfants et les conflits armés, 4 October 2012.

² Article 5 of the DRC action plan stipulated that the plan would be implemented during an initial time period of 12 months after the date of signature.

- Ensure adequate programmatic response to victims of recruitment and use, including the provision of medical, psycho-social, and legal assistance, as well as long-term, sustainable reintegration programming.
- 3) Preventive action:
- Sign and widely disseminate governmental directives prohibiting the recruitment and use of children, and rape and other forms of grave sexual violence perpetrated against children. The directives must also confirm the importance of protecting schools and hospitals against attacks and preventing the use of schools for military purposes.
 - Target training for members of the Government security forces, including members of the armed forces and the police, on child protection in situations of armed conflict
 - Institute a broad-based sensitization campaign on the importance of child protection in situations of armed conflict.
- 4) Measures to fight impunity:
- Support access to justice for children victims of grave violations and provide support to mobile legal clinics.
 - Conduct criminal prosecution of those accused of child recruitment or sexual violence against minors, with an emphasis on military commanders.

The action plan further stipulates the establishment of **two monitoring bodies** to monitor action plan implementation: (1) an Inter-Ministerial Committee, and (2) a joint Technical Working Group.

Still, over a year and a half after its signature, the action plan has not yet been completed.

2. Status of Implementation³ of the 2012 action plan

In our review of the status of implementation of the 2012 action plan we are seeking to answer the following questions: (1) are the commitments, as laid out in the action plan, respected by all signatory parties?; and (2) are the activities implemented according to the time line provided by the action plan? In the overview below, we will detail findings related to the identification and release of children associated with Government security forces, as well as successes and challenges lined to other commitments detailed in the 2012 action plan.

A) Identification and release of children associated with armed forces and armed groups:

The recruitment and use of children remains a major problem in DRC, especially in relation to armed groups, including Mai Mai groups that collaborate with the Congolese armed forces (FARDC).

Please find below a table of field missions in which Ajedi-Ka participated, jointly with other child protection actors, with the aim to identify children associated with armed groups. The table provides an overview of children [male (M), female (F)] separated from armed groups in the “Hauts Plateaux” region of South-Kivu, since the signing of the action plan in 2012:

Date	Location	Armed Group	Children
26/03/2014	Milimba	Général CHOCHI	10M
3/12/2013	Kasanya	Général KASHUMBA	18M, 15F
11/11/2013	Makarunga	Bgde MAYELE	2 M
13/11/2013	Mugadja	Major MUTALA	17M, 2F
29/12/2012	Lubarika	Général MUSHOMBE	11M, 5F
24/11/2012	Masangu	Général KASHUMBA	18M, 15F

³ Between 4/10/2012 and 6/30/2014

15/10/2012
TOTAL

Lubarika

Général MUSHOMBE

16M

64M, 37F

Challenges:

- **Detention of children formerly associated with armed groups by FARDC:** despite government directive N°05/00/CAG/ANR/195/2013, several cases are monitored of children formerly associated with armed groups, and detained for interrogation purposes by the Congolese armed forces. For example, in May 2014 FARDC members arrested a 16-year old member of the Mayele Mai Mai group in Ake (Fizi territory), and in March 2014 a 15-year old member of the MLCD group was apprehended in Milimba (Fizi territory).
- **Engaging in humanitarian dialogue with non-State armed groups:** local actors are able to make progress with armed groups. For example, in November 2013, Ajedi-Ka was able to set-up training sessions on child protection, and the content of the action plan, with several armed groups based in Fizi and Uvira, including the Mai Mai groups known as Mushombe, Kashologoshi, Mutula, and Kashumba). As a result of these sessions, the armed groups signed 'actes d'engagement', whereby the leader of the group commits to unconditionally release all children active with the armed group.
- **Securing access to reintegration programs for girls:** some of the girls released by the armed groups have been unable to access assistance for reintegration. This is mostly due to the fact that they are unable to leave their villages, in order to spend the required three months in the Transit and Orientation Center in Uvira.

B) Progress and Challenges related to action plan implementation:

Delays in the implementation of the governmental directives on the Action Plan:

In line with its action plan commitments, the DRC Government published several directives in 2013, including:

- 5 February 2013, **Terms of Reference**, Inter-Ministerial Committee and Joint Technical Working Group, outlining the composition, working methods, as well as roles and responsibilities;
- 3 May 2013, N° VPM/MDNAC/CAB/0909/2013, Ministerial Directive on **action plan implementation** to the Defense Secretary, and the Chief of Staff for the Congolese Armed Forces, outlining the dissemination of action plan adoption, disciplinary measures and criminal sanctions for perpetrators of 6 grave violations, transfer of children formerly associated with armed groups to social services, and access for UN child protection actors to military barracks for verification purposes;
- 3 May 2013, N°05/00/CAG/ANR/195/2013, to the Head of the **National Intelligence Agency (ANR)**, outlining access for UN child protection actors to ANR documents and sites related to minors, transfer of children formerly associated with armed groups to social services, and a request to draft formal instructions on the treatment of children formerly associated with armed groups by ANR;
- 18 July 2013, the Ministry of Defense requested the Ministry of Interior through N° VPM/MDNAC/CAB/1621/2013, to establish the **Provincial Technical Working Groups**.

The publication of these documents demonstrates a political will, on behalf of the DRC Government, to advance the action plan implementation.

However, a year and a half after its signature, **dissemination of the action plan, and the Government's directives, remains problematic**, especially in rural or remote areas. Several military commanders are

not familiar with the directives issued in 2013. The transmission of military orders can be a real problem along the chain of command in the DRC army, and between the government in Kinshasa, its military hierarchy, and the remote provinces.

For example, the Provincial Technical Working Group was only put in place on 19 June 2014 in South Kivu, a year after the publication of the governmental directive.

Inadequate programmatic response for cases brought up with the 1612 CTFMRM:

There is a **lack of coordination** between national and international **child protection actors and agencies** on the one hand, and executives of the **National Program for Disarmament, Demobilization and Reintegration** (*Unité d'Exécution du Programme National de DDR*, or UEPNDDR) on holistic, long-term, approaches to support children separated from the Congolese armed forces and armed groups.

Civil society partners on the ground alert to the fact that **communication and coordination on case-management remains difficult** with Government or UN counterparts, and have expressed the hope that coordination on an adequate programmatic response to victims of recruitment and use, including the provision of medical, psycho-social, and legal assistance, as well as long-term, sustainable reintegration programming, will improve with the set-up of the Provincial Technical Working Groups.

Continued problems with birth registration and age verification:

The action plan foresees the strengthening of birth registration in order to ensure that all Congolese children have a proof of age, delivered by the Congolese civil registry.

Birth registration is regulated in DRC through article 16 of law N° 09/001 (January 2009) on child protection, which requires that each birth is registered within 90 days, and that birth registration itself is free of charge. However, birth registers are rare in rural areas. Only a few birth registers, distributed by UNICEF via the Ministry of social affairs, have been put in place in urban centers. As a result, **child protection actors continue to refer to the absence of a proof of age as a major obstacle to verify the recruitment and use of children by armed forces or armed groups.**

The absence of child protection training / planning for newly integrated members of the Government security forces:

Ajedi-Ka, jointly with MONUSCO's child protection section, has undertaken various training sessions for military officers, police and other members of the DRC Government security services. One of the issues which they have noted, related to child protection training for members of the Congolese security forces, is the absence of central planning in terms of integrating armed groups into the Congolese armed forces. For example, there is no standard training curriculum available for child protection / children and armed conflict targeting the newly integrated elements of armed groups upon entering the Congolese armed forces.

Impunity for child rights violations:

While a lot remains to be done with respect to fight against impunity for child rights violations, we note that there have been some positive developments. For example, access to justice, especially in rural areas, has improved with the creation of 'mobile tribunals'. The most problematic issue remains reparations to victims, due to the very limited resources available. Also, despite important hearings organized in this regard, no perpetrators of sexual violence have been convicted for their acts in Uvira, Fizi and Mwenga.

Continued problems with UN verification:

The majority of cases on recruitment and use, and sexual violence, recorded between October 2012 and October 2013, has not been verified by child protection actors of MONUSCO or UNICEF, and as such are not included in the database managed by the 1612 focal point for the MRM, based in Kinshasa, or in the Secretary-General's report on the situation of children and armed conflict in DR Congo.

AJEDI-KA believes that data collected by NGOs part of the Country Task Force, or by NGOs trained by the Country Task Force, should be considered as verified information. This would allow for the data to be transferred to Kinshasa, and included in the database and formal reporting. As such, the data would help to better reflect the realities from the field. This is all the more critical for incidents of sexual violence, which are notoriously difficult to monitor and report on, and it would serve the added benefit of reducing incidents of re-traumatization of the survivors of sexual violence of their families.

A lack of monitoring and reporting on the implementation of the action plan:

In article 2.10, the DRC Government accepts to 'the submission, every six months, of a report on progress made towards the implementation of the action plan to the 1612 CTFMRM'.

However, a year and a half into the action plan's implementation, **only 1 report on the status of the implementation of the action plan has been prepared by the DRC government** and submitted to the 1612 CTFMRM. Additionally, AJEDI-KA regrets that the report prepared by the government has not been made available to members of civil society working to end and prevent recruitment and use of children. There has been no further dialogue with regard to this interim report.

3. Recommendations

To the DRC Government:

- Implement the action plan within the agreed upon timeframe; and make sure the reporting happens in line with the time-frame the action plan itself sets out;
- Ensure the **wide dissemination of action plan commitments, and related governmental directives** issued on 3 May 2013, and 18 July 2013, to the military chain of command;
- As soon as possible, **put in place all Provincial Technical Working Groups**, as laid out in the Government directive of 18 July 2013;
- Put in place a **vetting mechanism for former members of armed groups**, with the aim to prevent perpetrators of child rights violations from integrating into the Congolese armed forces;
- Increase efforts toward upholding **accountability for perpetrators of grave violations** against children in armed conflict.

To the 1612 Country Task Force on MRM:

- Provide **financial support** to the DRC government , especially with regard to the **Provincial Technical Working Groups**;
- Ensure that the government directives related to child protection are well integrated into ongoing efforts towards sensitization, and **mobilize civil society towards this effort**, especially to raise awareness in remote and rural areas, often not accessible to UNICEF or MONUSCO's Child Protection Section;
- Provide **financial support** to **civil society organizations involved in the MRM**, especially in their efforts to engage in a humanitarian dialogue on the identification and release of children with armed non-State actors;

- **Revise the strict process for UN verification of MRM-related data.**