

Summary

Children in the Democratic Republic of the Congo (DRC) endure some of the most miserable treatment found anywhere in the world, despite outward signs of progress in DRC, such as the creation of a power-sharing transitional government, the presence of the United Nations' largest peacekeeping operation and billions of dollars granted by donors for post-conflict reconstruction.

In 2006, DRC continues to endure the world's deadliest humanitarian crisis, with more than 38,000 people dying every month as direct and indirect consequences of the armed conflict, according to the International Rescue Committee (IRC). Approximately 45 percent of these deaths occur among children under age 18. In addition, children are targets of human rights violations committed by armed forces and groups on a daily basis. The overwhelming majority of these crimes are committed in an environment of utter impunity.

Yet, since the Watchlist on Children and Armed Conflict published its first report on DRC in 2003, *The Impact of Armed Conflict on Children in the Democratic Republic of the Congo*, some progress has been achieved. Thousands of children have been demobilized from armed forces and groups. In some areas, the number of displaced people has dropped significantly. There has been an increase in serious efforts to confront sexual violence and exploitation. Combatants from armed groups have begun to integrate into the unified national army. Also, a new constitution was affirmed during a nationwide referendum in December 2005.

Despite these advances, Watchlist has documented continued, pervasive and egregious violations against children in DRC in each of the major categories identified by the United Nations Security Council Resolution 1612 (2005) on children and armed conflict. These violations include killing and maiming, rape and other forms of sexual violence, abduction, denial of humanitarian assistance, attacks on schools and recruitment and use of children. In addition, various other violations, such as forced displacement and torture, also continue to be committed against children and their families. The following are highlights of Watchlist's findings between 2003 and end of January 2006:

Killing and Maiming

Extreme violence and fighting have continued throughout DRC. Children are not spared, as all armed forces and groups in DRC continue to kill and maim children. Documented cases

recount gross atrocities such as armed combatants shooting, mutilating, stabbing and burning children alive.

Rape and Other Forms of Sexual Violence against Girls

All armed forces and groups continue to perpetrate rape and sexual violence against girls and women. The victims of rape or other forms of sexual violence in DRC are believed to number in the hundreds of thousands. In many cases, the rapes are characterized by severe cruelty, including against young girls and sometimes boys, such as gang rapes, mutilation of genitalia, rape involving the insertion of objects into the victim's genitals, forced rape by one victim upon another and rape-shooting. Some girls are held in captivity as sexual slaves for extensive periods of time.

The majority of girls who are victims of rape suffer severe injuries that require surgery and can lead to venereal diseases, HIV infection, sterility and other serious health problems. The majority of these survivors of gender-based violence do not receive medical treatment after their assault. Following rape, many girls are abandoned by their families and communities and condemned to lives of poverty.

Denial of Access to Humanitarian Aid

Humanitarian agencies continue to face attacks and other obstacles by armed forces and groups, such as looting, destruction of humanitarian resources, contingency stocks and field bases, confiscation of vehicles, harassment of expatriates and national staff, levying of illegal taxes and complication of administrative procedures. Furthermore, in some instances humanitarians have been forced to delay or suspend aid deliveries, deeming that local recipients are likely to be targets of military or political harassment following the delivery of aid.

Attacks on Schools and Hospitals

Armed forces and groups have seriously damaged, pillaged, burned and destroyed schools in eastern DRC. Combatants have also pillaged and destroyed school supplies. During attacks on schools, armed combatants have forcibly recruited boys at gunpoint, especially in the most conflict-affected areas of eastern DRC. The attacks on schools and other problems with the educational system have deprived an estimated 4.6 million children are deprived of their right to education, including 2.5 million girls.

Armed forces and groups also pillage and loot hospitals and other medical facilities. As a result of these attacks and the general devastation of the nation's healthcare system, children are dying each year from preventable causes, such as malnutrition, malaria, diarrheal diseases, acute respiratory infections, measles, tuberculosis and others. The war has left the nation largely with

out drugs, medical equipment and skilled medical personnel, and with the national health infrastructure in a state of collapse.

Abductions

Various armed groups primarily in eastern DRC continue to abduct children. These groups include the Mai Mai, the Congolese Rally for Democracy-Liberation Movement (RCD-ML), the Democratic Forces for Liberation of Rwanda (FDLR) and its new splinter group, known as the "Rastas," as well as the forces of General Laurent Nkunda and several others. Young girls have been abducted and held for ransom in order to be sold in exchange for cows or gold and for other purposes, according to local sources.

Children Associated with Armed Forces and Groups

At least 30,000 boys and girls are estimated to be taking an active part in combat or to be attached to armed forces and groups and used for sexual or other services. Almost all girls and some boys are sexually abused by their commanders or other soldiers. Children often fight on the frontlines and witness or are forced to participate in serious human rights abuses against civilians.

The overall Disarmament, Demobilization and Reintegration (DDR) process for children has been extremely protracted. The national governmental body charged with overall management of the DDR process, the National Commission for Demobilization and Reintegration (CONADER), does not have the capacity, technical experience and leadership to successfully oversee this process.

Other Violations

In addition to the six egregious violations identified by the United Nations Security Council, children in DRC continue to face a spectrum of other horrific abuses and crimes. These include: forced displacement, forced labor, forced involvement in the illicit exploitation of natural resources and others. Approximately 150 cases of sexual exploitation and abuse (SEA) by United Nations (UN) personnel have been uncovered and investigated. In addition, children, especially girls, are accused of witchcraft or sorcery, forcing them onto the streets or into other dangerous situations, in some cases leading to their murder by family or community members. Children and adolescents are further threatened by the HIV/AIDS epidemic, and by violence and insecurity due to the widespread availability and use of small arms and light weapons throughout DRC.

Recommendations

In response to these findings, the Watchlist on Children and Armed Conflict makes urgent recommendations to the

governing authorities of DRC, all armed groups operating in DRC, the UN Security Council, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the humanitarian community in DRC, donors and the International Criminal Court. These recommendations urge all parties to take immediate and sustained steps to protect Congolese children and adolescents from further violations and to find remedies for those who have already endured imponderable suffering. First and foremost, Watchlist calls on all armed forces and groups in DRC to immediately halt crimes against children.

UN Security Council Actions

While the UN Security Council (UNSC) has given priority attention to DRC, tangible results in ending violence in the East are minimal. MONUC's limited force size hinders its ability to restore and maintain security in DRC, jeopardizing humanitarian access to vulnerable communities and threatening to further destabilize the entire Great Lakes region.

UNSC RESOLUTIONS ON DRC

Since 2003, the UNSC has passed 20 resolutions on DRC. Many of the resolutions relate to extending and expanding MONUC's mandate and the arms embargo imposed on DRC. Others condemn the brutality and violence employed by the various parties to conflict and address human rights and humanitarian issues. The following are selected highlights.

Resolution 1484 (2003) authorizes the deployment of an Interim Emergency Multinational Force in Bunia until September 1, 2003, which, in tandem with MONUC, will work to stabilize the region. The Council strongly condemns the killings of unarmed MONUC and humanitarian personnel and demands member states to end all support to armed groups and militia, including the supply of weapons.

Resolution 1493 (2003) strongly condemns the violence perpetrated against civilians, and especially the continued use and recruitment of children in eastern DRC, and the illegal exploitation of natural resources in DRC.

Resolution 1533 (2004) condemns the illegal exploitation of DRC's natural resources, which fuels the perpetuation of the conflict, and demands that all states take the necessary measures to prevent the supply of arms and related materials to armed groups in North and South Kivu and Ituri. The resolution authorizes MONUC to seize and collect arms and materials violating the arms embargo. It also establishes a Committee of the Security Council that will seek information on the implementation of the arms embargo and take appropriate action on information on the arms embargo violations.

Resolution 1565 (2004) authorizes MONUC to monitor the arms embargo and the cross-border movement of combatants, to seize all materials in violation of the arms embargo, and to support the transitional government, including facilitation of the demobilization of combatants.

Resolution 1592 (2005) expresses the grave concern of the Council regarding acts of sexual exploitation by UN personnel and requests the Secretary-General to ensure compliance with the zero tolerance policy on sexual exploitation.

Resolution 1596 (2005) expands the arms embargo on DRC to July 31, 2005, and requests MONUC to continue monitoring the Kivus and Ituri District. The resolution also decides that all states shall freeze the financial assets and other funds of persons violating the arms embargo.

Resolution 1635 (2005) requests that the Secretary-General take all necessary measures to ensure that the UN's zero tolerance policy on sexual exploitation is observed.

Resolution 1649 (2005) extends the arms embargo to political and military leaders of foreign armed groups operating in DRC who impede the disarmament and voluntary repatriation of combatants from those groups. It further requests the Secretary-General to submit a comprehensive strategy for the disarmament, repatriation and resettlement of foreign combatants.

UNSC RESOLUTIONS ON CHILDREN AND ARMED CONFLICT

Since 2003, the UNSC has adopted two resolutions on children and armed conflict, adding to the Security Council's four previous Children and Armed Conflict (CAC) resolutions. These set out important and practical steps to be taken by various member of the UN system, donors, NGOs and others to expand child protection in conflict-affected areas. However, all actors have failed to fulfill their obligations to fully implement the child protection measures requested by the UNSC in DRC and other war-torn areas. The following are highlights of the two CAC resolutions.

Resolution 1539 (2004)

- Strongly condemns the recruitment and use of child soldiers by parties to conflict and other CAC violations
- Requests the Secretary-General to ensure that compliance by parties to conflict for halting the recruitment and use of child soldiers is reviewed regularly
- Calls upon parties to conflict to prepare action plans for halting the recruitment and use of child soldiers, which will be coordinated by focal points identified by the Secretary-General
- Expresses its intention to consider imposing targeted and graduated measures such as, inter alia, a ban on the export or supply of small arms and light weapons and of other military equipment and on military assistance

- Reiterates its request to all concerned to include children in all DDR programs and to monitor demobilized children in order to prevent re-recruitment
- Requests UN bodies to implement HIV/AIDS education and optional testing and counseling for all UN peacekeepers, police and humanitarian staff
- Expresses intention to take appropriate measures to curb linkages between illicit trade of natural resources, illicit trafficking of small arms, cross-border recruitment and armed conflict
- Requests the Secretary-General to propose effective measures to control the illicit trade and trafficking of small arms
- Requests countries contributing to peacekeeping missions to incorporate codes of conduct for peacekeeping personnel and to develop disciplinary and accountability mechanisms for peacekeeping personnel
- Decides to include child protection provisions in the mandates of UN peacekeeping missions and to deploy CPAs
- Reiterates the request to the Secretary-General to include child protection information in country-specific reports

Resolution 1612 (2005)

- Strongly condemns the recruitment and use of child soldiers by parties to conflict and other CAC violations
- Expresses serious concern regarding the lack of progress in developing and implementing the action plans to halt the recruitment and use of child soldiers
- Reiterates its intention to consider imposing targeted and graduated measures such as, inter alia, a ban on the export or supply of small arms and light weapons and of other military equipment and on military assistance
- Requests the Secretary-General to implement a monitoring and reporting mechanism on violations against children in five armed conflict situations, including DRC
- Decides to establish a working group of the Security Council on children and armed conflict consisting of SC member states
- Urges member states to take appropriate measures to control the illicit small arms trade to parties to armed conflict
- Requests the Secretary-General to continue to take all necessary actions in relation to the zero tolerance policy on sexual exploitation by peacekeepers
- Urges troop-contributing states to take appropriate preventive and disciplinary action to ensure full accountability
- Decides to continue deploying CPAs to UN peacekeeping missions
- Reiterates its request to the Secretary-General to include child protection information in country-specific reports

IMPLEMENTATION OF RESOLUTION 1612: THE MONITORING AND REPORTING MECHANISM

As of the end of January 2006, MONUC's Child Protection Section (CPS) and UNICEF reported to Watchlist that they have met jointly several times to discuss sharing responsibility for developing a comprehensive monitoring and reporting mechanism on violations against children in armed conflict in DRC, in accordance with UNSC Resolution 1612.

MONUC CPS has reported to Watchlist that it will proceed with its regular monitoring and reporting on violations against children, which is already its primary responsibility. Additionally, MONUC CPS will work to refine its monitoring and reporting tools, to streamline information and to provide required details on each of the six violations identified by UNSC Resolution 1612. However, due to limited resources, it is unlikely that the CPS will conduct additional monitoring activities for categories that do not already fall under its current processes.

UNICEF reports that it will complement the CPS monitoring and reporting activities with information relating to sexual violence against girls, denial of access to humanitarian assistance and attacks on schools and hospitals. UNICEF and its implementing partners will also lead activities related to response and assistance to survivors of reported violations.

As of January 2006, MONUC CPS and UNICEF are working on formally establishing the Kinshasa-based Task

Force on monitoring and reporting, which is intended to expand the ongoing daily work conducted by MONUC CPS, in coordination with UNICEF, NGOs and others to document egregious violations against children and to strategically use this information to reduce abuses against them.

According to the outline for developing the monitoring and reporting mechanism put forward by the UN Secretary-General in his 2005 report to the UN Security Council (S/2005/72, February 9, 2005), the mechanism should include the active participation of local NGOs and civil society organizations. Watchlist has strongly reiterated that the active and sustained involvement of local child protection organizations in the monitoring and reporting mechanism is critical to its long-term success.

According to the 15th report to the Security Council, dated March 25, 2004, MONUC and other partners are setting up child protection networks throughout DRC. In addition, MONUC CPS and UNICEF have reported to Watchlist that they have worked regularly for many years with local civil society representatives on monitoring and reporting activities throughout DRC. While this includes active daily involvement with local child protection organizations and networks, local sources in some parts of DRC have reported to Watchlist that the child protection networks (CPNs) anticipated as a result of Resolution 1612 have not yet been formalized.

UN SECRETARY-GENERAL'S REPORTS TO THE SECURITY COUNCIL

The Secretary-General has included information on child protection issues in his seven reports to the UNSC on DRC since 2003, as requested in several UNSC Resolutions. These reports address child protection activities at the national, regional and local levels in DRC, including DDR of children associated with armed forces and groups. However, the high rate of continued violations of children's rights and security is not fully reflected in these reports. The following are excerpts from recent reports:

14th Report of the Secretary-General on MONUC (S/2003/1098) states that child protection is a priority for MONUC, and this is achieved through sensitization, capacity-building and strengthening of the accountability for violence against children. The report also states that the transitional government has not addressed the challenge of child protection.

15th Report of the Secretary-General on MONUC (S/2004/251) reports on MONUC's continued mainstreaming

of child protection as well as documenting of serious abuses against children. MONUC has provided training to police and prison officers in Bunia and has worked to build the capacity of local child protection NGOs. The Secretary-General further reports that in areas with large internally displaced populations, MONUC is attempting to raise awareness on child protection issues. In cooperation with partners, MONUC is setting up child protection networks.

16th Report of the Secretary-General on MONUC (S/2004/1034) reports on the continued sensitization of Congolese government officials at the national and provincial level on child protection issues. MONUC is also working with the Parliament and relevant ministries of the transitional government to create a legal framework on child protection including constitutional and legislative provisions on child rights. The Secretary-General also reports that some military commanders resist the release of child soldiers from their armed groups, and re-recruitment of child soldiers continues to be problematic.

17th Report of the Secretary-General on MONUC

(S/2005/167) recognizes that the continued violence in Ituri and the Kivus has had a devastating impact on children in those regions, killing some 50 children. The report also lists other violations against children: rape, pillaging and burning of schools, abduction of children, recruitment and use of child soldiers and illegal detention of children. The Secretary-General also identifies the following armed groups that commit grave violations, mostly with impunity, against children: FNI, FAPC, UPC/L, ex-Mai-Mai, FDLR and ex-ANC. Furthermore, the Secretary-General also reports that more than 2,000 children, including 400 girls, have been released by armed groups since the start of the DDR process.

18th Report of the Secretary-General on MONUC

(S/2005/506) reports on activities to sensitize provincial officials on child protection issues. In addition, the draft constitution has been expanded to include child protection provisions such as defining the age of maturity as 18 and DRC's obligation to protect children from violence, abandonment and from accusations of witchcraft. The report also states that MONUC has intervened in several cases where children have been indicted with a death sentence.

19th Report of the Secretary-General on MONUC

(S/2005/603) reports on MONUC's continued effort to work with national authorities and child protection partners to establish a police unit addressing child protection issues and alternatives to imprisonment for juvenile suspects. The report includes observations of an increased number of demobilized children, with more than 2,800 children passing through transit centers in North and South Kivu. However, development of programs for children released from armed groups remains a challenge, especially with the rising evidence of harassment and re-recruitment of these children. The Secretary-General also informs that alleged rapes of minors continue to be an alarming problem.

20th Report of the Secretary-General on MONUC

(S/2005/832) states that at least 677 children were separated from FARDC and other armed groups in eastern DRC. The report further states that some 40 children were included in the FARDC, highlighting the urgent need for sustained monitoring of the integration process of the Congolese national army. The report also notes the continued indiscriminate arrests of street children in Kinshasa, Goma, Mbuji-Mayi, Kananga and Kisangani. In some cases, arrested children sustained severe injuries.

The stated goals for the DRC visit were to stress the importance of achieving sustainable peace, security and stability in DRC, as well as to reiterate support for free and fair elections. During the visit, the UNSC also took steps to examine the implementation of Resolution 1612 on children and armed conflict in the context of DRC.

UN Security Council Visit to DRC

In November 2005, members of the UN Security Council, led by the Permanent Mission of France to the United Nations, visited DRC, along with several other countries in the region.